



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION AND RECORD OF SETTLEMENT

Dispute Codes:

Tenant: MT (CNC)
Landlord: OPC, MND, MNSD, FF

Introduction

This hearing was convened in response to cross applications by the parties pursuant to the *Residential Tenancy Act* (the Act). Both parties attended the hearing and provided testimony. The parties agreed the tenant was given a 1 Month Notice to End for Cause on August 31, 2015. The tenant applied to cancel the Notice on September 17, 2015 – 7 days after the permitted time of 10 days to do so, as prescribed by the Act and as stated on the Notice to End. The tenant applied for more time to file their application. I found the tenant's reason for not filing their application to cancel the landlord's Notice within the prescribed time did not meet the test established by Section 66(1) of the Act, and as a result the tenant's application was **dismissed**.

The landlord sought an Order of Possession and compensation for damages to the unit, and to retain the security deposit as offset. The landlord was advised their application for damages is, effectively, premature given that the tenancy continues. The landlord's application for damages to the unit and in respect to the security deposit was dismissed *with leave to reapply*.

During the course of the hearing the parties briefly discussed their dispute and agreed to settle the relevant dispute of the tenancy to the full satisfaction of both parties, and that I record their settlement as per Section 63 of the Residential Tenancy Act, as follows:

1. the tenant and landlord agree that **this tenancy will end no later than December 31, 2015**, and
2. the tenant and landlord agree the landlord will receive an **Order of Possession** effective **December 31, 2015**.

So as to perfect this settlement agreement, **I grant** the landlord an **Order of Possession, effective December 31, 2015**. The tenant must be served with this Order. If the landlord serves the Order of Possession on the tenant and the tenant fails to comply with the order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

As the parties settled their dispute I make no finding in respect to the filing fee(s) in this matter.

This Decision and Settlement Agreement is final and binding on both parties.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Residential Tenancy Act.

Dated: November 10, 2015

Residential Tenancy Branch

