



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MT CNC

### Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Tenant on June 1, 2016. The Tenant filed seeking more time to file his application to dispute a notice to end tenancy and an order to cancel a 1 Month Notice to end tenancy for cause.

The hearing was conducted via teleconference and was attended by two Landlords, the Tenant, and the Tenant's Advocate. Each person gave affirmed testimony. I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

The Tenant confirmed receipt of the Landlords evidence and no issues regarding service or receipt were raised. As such, I accepted the Landlord's submissions as evidence for these proceedings. The Tenant did not submit documentary evidence.

### Issue(s) to be Decided

Have the parties agreed to settle these matters?

### Background and Evidence

The Landlord submitted evidence that the Tenant entered into a fixed term tenancy agreement that began on February 1, 2015 which switched to a month to month tenancy after January 31, 2016. Rent of \$1,200.00 is payable on or before the first of each month and on January 5, 2015 the Tenant paid \$600.00 as the security deposit.

During the course of this proceeding the parties agreed to settle these matters.

### Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During the hearing, the parties discussed the issues between them and achieved a resolution of their dispute on the following terms:

- 1) The Tenant agreed to withdraw their application for Dispute Resolution;
- 2) The parties agreed to withdraw the 1 Month Notice to end tenancy issued May 4, 2016 in favor of this settlement;
- 3) The parties mutually agreed to end this tenancy on or before August 15, 2016 at 1:00 p.m.;
- 4) The Landlord agreed to allow the Tenant to pay rent on a per-diem basis in the event the Tenant is able to move out prior to August 15, 2016;
- 5) Each person acknowledge their understanding that this settled Decision resolves the matters contained in the Tenant's application and that no finding is made on the merits of the said application for dispute resolution; and
- 6) Each person agreed that the terms of this settlement agreement were reached by their own free will and without undue pressure or intimidation.

In support of this settlement agreement the Landlord has been issued an Order of Possession effective August 15, 2016 at 1:00 p.m.

### Conclusion

The parties agreed to settle these matters, pursuant to section 63 of the Act and the Landlord has been issued an Order of Possession in support of that agreement.

This decision is final, legally binding, and 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: July 04, 2016

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Residential Tenancy Branch