



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, FF, O

Introduction

A hearing was convened on March 14, 2017 in response to the Tenants' Application for Dispute Resolution, in which the Tenants applied to set aside a One Month Notice to End Tenancy for Cause; to recover the fee for filing the Application for Dispute Resolution, and for other.

The female Tenant stated that on February 18, 2017 the Application for Dispute Resolution, the Notice of Hearing, and 6 pages of evidence submitted to the Residential Tenancy Branch were left in a box on the dryer, which is where the Tenants leave mail and rent payments for the Landlord.

The hearing on March 14, 2017 was adjourned and joined with the Landlord's Application for Dispute Resolution for reasons outlined in my interim decision of March 14, 2017. Both matters were heard on March 31, 2017, which is the date scheduled for the hearing in response to the Landlord's Application for Dispute Resolution..

As outlined in my interim decision of March 14, 2017, I am satisfied that the Tenants' intended to dispute a Two Month Notice to End Tenancy for Landlord's Use of Property when they filed their Application for Dispute Resolution on February 14, 2017, and I will be considering that matter at these proceedings.

At the hearing on March 31, 2017 the Tenants stated that they did not receive a copy of my interim decision of March 14, 2017, so they did not re-serve their Application for Dispute Resolution to the Landlord as per the directions in the interim decision.

The Landlord stated that she did receive the Tenants' Application for Dispute Resolution, the Notice of Hearing, and 6 pages of evidence that the Tenants left in a box on the dryer, although she cannot recall the date she received them. As the Landlord acknowledged receipt of these documents, they were accepted as evidence for these proceedings.

The Landlord stated that she did not attend the hearing on March 14, 2017 because she was told the dispute would be resolved at the hearing on March 31, 2017.

The Landlord stated that she did receive my interim decision of March 14, 2017 and she is aware that an application to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property will be considered at these proceedings.

The Landlord filed an Application for Dispute Resolution in which the Landlord applied for an Order of Possession, "other", and to recover the fee for filing an Application. The Landlord stated that her Application for Dispute Resolution, the Notice of Hearing, and 4 pages of evidence submitted to the Residential Tenancy Branch were personally served to the male Tenant on March 18, 2017. The Tenants acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

Interim Matter

With the consent of both parties both Applications for Dispute Resolution were amended to reflect the correct address of the rental unit.

Issue(s) to be Decided

Should the Notice to End Tenancy for Landlord's Use of Property, served pursuant to section 49 of the *Residential Tenancy Act (Act)*, be set aside or is the Landlord entitled to an Order of Possession?

Background and Evidence

After discussing some terms of the tenancy agreement and service of the Notice to End Tenancy for Landlord's Use of Property, the parties mutually agreed to settle these proceedings under the following terms:

- the tenancy will end, by mutual consent, on June 01, 2017; and
- the Landlord will be granted an Order of Possession for that date.

Both parties indicated they understood this settlement agreement was final and binding on both parties.

Analysis

The issues in dispute have been settled in accordance with the aforementioned settlement agreement, which is final and binding.

This settlement agreement does not negate the Tenants' right to one month's free rent pursuant to section 51(1) of the *Act*.

Conclusion

On the basis of the settlement agreement, the Landlord is granted an Order of Possession that is effective at 1:00 p.m. on June 01, 2017.

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: March 31, 2017

Residential Tenancy Branch