



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement.

Terms of Settlement

Pursuant to section 63 of the Act, an 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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The shed which is part of two sheds erected by the tenant is to be moved by the tenant to the tenants' side of the site boundary line. The shed is to be moved at least 7 feet from the new mobile home unit to be placed by the landlord on site 21b. To accomplish the moving of the shed, a telephone pole and fence will be removed and a ditch on site 20b is to be filled in all at the tenants' expense. Approval will be required from Telus by the tenant for removal of the telephone pole. The tenants' agree that the shed will be moved no later than July 5, 2017.
2. The parties agree the property line established as per the survey completed by Isaak, Osman & Associates dated January 5, 2017 is extended in a straight line to the West mobile home park boundary. The landlord agrees that the new

mobile home unit to be placed on lot 21b will be at least 3 feet from this agreed upon boundary line.

3. The landlord agrees to withdraw the 1Month Notice to End Tenancy dated March 9, 2017.
4. The landlord will not attempt to end the tenancy as a result of the tenants placing the shed on to the tenants' lot in accordance with clause 1 above.
5. The tenant's agree to not interfere with the landlord's placement of a mobile home on lot 21b.

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute.

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

Conclusion

The landlord's 1Month Notice dated March 9, 2017 is withdrawn and the parties are bound by each of the above settlement terms.

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: May 05, 2017

Residential Tenancy Branch