



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy dated July 31, 2017
- b. An order to suspend or set conditions on the landlord's right to enter the rental unit.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The parties reached a settlement at the start of the hearing and asked that I record the settlement.

I find that the one month Notice to End Tenancy was personally served on the Tenant on July 31, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on August 8, 2017. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be determined are as follows:

- a. Whether the tenant is entitled to an order to cancel the one month Notice to End Tenancy dated July 31, 2017
- b. Whether the tenant is entitled to an order to suspend or set conditions on the landlord's right to enter the rental unit.

Background and Evidence

The tenancy began in October 2016. The oral tenancy agreement provided that the tenant(s) would pay rent of \$600 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$300 and a pet damage deposit of \$300.

Settlement:

The parties reached a settlement at the start of the hearing and they asked that I record the settlement as follows:

- a. The parties mutually agree to end the tenancy on November 30, 2017.

- b. The parties request that the arbitrator issue an Order of Possession for November 30, 2017.
- c. The landlord agrees that if the tenant finds alternative accommodation allowing him to move out earlier than November 30, 2017 and he does move out earlier than November 30, 2017 the landlord waives all claims he may have for loss of rent caused by the failure to give the one month notice to end tenancy required by the Residential Tenancy Act.

Determination and Orders:

As a result of the settlement I granted an Order of Possession effective November 30, 2017. All other claims in the application are dismissed as they were not included in the settlement.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the 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: September 22, 2017

Residential Tenancy Branch