



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION AND RECORD OF SETTLEMENT

Dispute Codes: CNC OLC LRE MNDC FF

Introduction

This hearing was convened in response to an application by the tenant pursuant to the *Residential Tenancy Act* (the Act) to cancel a 1 Month Notice to End Tenancy for Cause dated September 18, 2018 with an effective date of October 31, 2018. The tenant also filed application for monetary compensation. Both parties attended the hearing and participated in the hearing with their testimony. The parties were apprised that I was severing the 2 unrelated items of the tenant's application and solely would hear the merits of the tenant's application to cancel the landlord's Notice of this matter.

During the course of the hearing the parties discussed their dispute in respect to the 1 Month Notice for Cause and agreed to settle that issue in dispute to the full satisfaction of both parties.

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing and an Arbitrator may record their settlement as a Decision and Order. Pursuant to this provision, discussion between the parties led to resolution of the relevant matter of the 1 Month Notice for Cause. As a result the parties confirmed to me that **they both agreed as follows;**

1. the tenancy will end no later than **March 31, 2019** and the landlord will receive an Order of Possession effective the agreed date. The parties further agreed the tenant could vacate sooner with notice to the landlord.

Both parties testified in the hearing confirming to me that they understood and agreed to the above terms, and that the settlement particulars comprise the full and final settlement of all aspects of the dispute in respect to the 1 Month Notice for Cause .

So as to perfect this settlement agreement,

The landlord is given an **Order of Possession**, effective **March 31, 2019**. The tenant must be served with this Order. If 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 mutually resolved their dispute it is my Decision they each will equally share in the responsibility of the filing fee (\$100.00). As a result,

I Order that the tenant may deduct **\$50.00** from the rent payable for December 2018 in full satisfaction of the filing fee.

Conclusion

The parties settled their dispute respecting the 1 Month Notice for Cause in the above terms.

The remaining relevant balance of the tenant's application is dismissed with leave to reapply.

This Decision and Settlement agreement are final and binding.

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 07, 2018

Residential Tenancy Branch