

DECISION

Dispute Codes:

CNL

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for landlord's use of property. Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Has the landlord served this notice to end the tenancy for landlord use of property, in good faith?

Background and Evidence

The tenancy began on December 01, 2009. The rental unit is located on the lower level of a two storey home. On February 06, 2011, the landlords served the tenants with a two month notice to end tenancy. The reason for the notice is that the landlords need the unit for their own use and for the use of their immediate families.

During the hearing the above reasons were discussed at length. The parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties 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 this hearing, the parties reached an agreement to settle their dispute. Both parties agreed to the following terms:

1. The landlords agreed to allow the tenancy to continue up to May 31, 2011.
2. The tenants agreed to move out on or before May 31, 2011.
3. The landlords agreed to allow the tenant to end the tenancy prior to May 31, 2011, with a minimum of ten days notice to end the tenancy.
4. The tenants agreed to give the landlord at least ten days notice to end the tenancy, if they intended to end the tenancy prior to May 31, 2011.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

The notice to end tenancy is upheld and the tenancy will end on or before May 31, 2011, as per the above 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: March 07, 2011.

Residential Tenancy Branch