



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes CNL, FF

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the tenant; the landlord represented by the two executors and their legal counsel.

### Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 49, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

During the hearing the parties came to the following settlement:

1. The tenant withdraws his Application for Dispute Resolution;
2. The landlord agrees the tenant is not required to pay rent for the month of December 2012;
3. The tenant agrees the non-payment of rent for the month of December 2012 constitutes the compensation owed to the tenant for the landlord's issuance of the 2 Month Notice to End Tenancy for Landlord's Use of Property;
4. The landlord agrees to extend the effective date of the 2 Month Notice to End Tenancy for Landlord's Use of Property to January 15, 2013;
5. The tenant agrees to vacate the rental unit no later than January 15, 2013;
6. The parties agree the tenant will pay ½ the amount of monthly rent for the period of January 1, 2013 to January 15, 2013; and
7. The parties agree rent, for the purposes of this agreement, does not include the rent the tenant pays for a shed and hangar on the property.

Conclusion

In support of this settlement and with the agreement of both parties I grant the landlord an order of possession effective **January 15, 2013 after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: December 04, 2012.

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Residential Tenancy Branch