



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, CNR, FF

Introduction

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

- cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- cancellation of the landlords' 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49; and
- authorization to recover his filing fee for this application from the landlords pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to cross-examine one another. The tenant confirmed that he received both the 10 Day and 2 Month Notices from the landlord(s). The landlords confirmed that they received copies of the tenant's dispute resolution hearing package sent by the tenant by registered mail on October 21, 2013. I am satisfied that the parties served the above documents to one another in accordance with the *Act*.

At the hearing, the female landlord made an oral request for an Order of Possession based on the Notices to End Tenancy issued to the tenant should the tenant's application for dispute resolution be dismissed.

Issues(s) to be Decided

Should the landlords' 10 Day Notice or 2 Month Notice be cancelled? If not, are the landlords entitled to an Order of Possession? Is the tenant entitled to recover the filing fee for this application from the landlords?

Background and Evidence

This periodic tenancy began on December 1, 2010. The landlords' 2 Month Notice issued to the tenant on August 7, 2013, identified October 31, 2013, as the effective date to end this tenancy.

Analysis

Pursuant to section 63 of the *Act*, the 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. During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to settle this dispute on the basis of the following final and binding terms:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on November 30, 2013, by which time the tenant will have vacated the rental unit.
2. Both parties agreed that this constituted a final and binding resolution of the tenant's application for dispute resolution.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession to be used by the landlords if the tenant does not vacate the rental premises in accordance with their agreement. The landlords are provided with these Orders in the above terms and the tenant must be served with this Order in the event that the tenant does not vacate the premises by the time and date set out in their agreement. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 29, 2013

Residential Tenancy Branch

