



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC, FF

Introduction

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

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

The tenant ST (the tenant) and the landlord's agent both appeared. The landlord's agent is father of the owner. The tenant ST confirmed that he had authority to act on behalf of both tenants.

At the hearing the landlord's agent made an oral request for an order of possession.

The tenant testified that he served the dispute resolution package to the landlord on 5 January 2015 by registered mail. The tenant provided me with a tracking number that showed the same. On the basis of this evidence, I am satisfied that the landlord was served with notice of this application pursuant to sections 89 and 90 of the Act.

The landlord's agent testified that he served the tenants with the 2 Month Notice on or about 18 December 2014. The tenant did not dispute receipt of the 2 Month Notice. On the basis of this evidence, I am satisfied that the tenants were served with the 2 Month Notice pursuant to section 88 of the Act.

In the course of the hearing the tenant and landlord were able to agree to a mutual end to this tenancy. The landlord and tenants agreed to a series of conditions.

Analysis

Pursuant to section 63 of the Act, an 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.

During this hearing, the parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenants agreed to withdraw their application.
2. The landlord agreed to withdraw the 2 Month Notice.
3. The tenants agreed to provide possession of the rental unit to the landlord on or before one o'clock in the afternoon on 31 May 2015.
4. The tenants agreed to permit the landlord to enter into the rental unit while they are home for the purpose of taking photographs of the unit at some point after four o'clock in the afternoon on one day between 19 and 23 January 2015.

The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

Conclusion

The tenants' application is withdrawn. The landlord's 2 Month Notice is cancelled

The attached order of possession is to be used by the landlord if the tenant(s) do(es) not vacate the rental premises in accordance with their agreement. The landlord is provided with this order in the above terms and the landlord should serve the tenant(s) with this order so that it may enforce it in the event that the tenant(s) do(es) not vacate

the premises by the time and date set out in their agreement. Should the tenant(s) 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 subsection 9.1(1) of the Act.

Dated: January 12, 2015

Residential Tenancy Branch

