



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FF

Introduction

This hearing was convened as a result of the tenant's application for dispute resolution under the *Residential Tenancy Act* (the "*Act*"). The tenant applied to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property (the "2 Month Notice") dated February 1, 2016, and to recover the cost of the filing fee.

The tenant and the landlord attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

Neither party raised any concerns regarding the service of documentary evidence.

Preliminary Matter

At the outset of the hearing, the tenant confirmed that his daughter was listed as a tenant when in fact she is an occupant. As a result, and by consent of the parties, I have removed the tenant's daughter from the application as she is not a tenant as defined by the *Act*.

Settlement Agreement

During the hearing, the parties agreed to settle this matter, on the following conditions:

1. The parties agree that the tenancy will end on **June 30, 2016 at 1:00 p.m.**
2. The landlord is granted an order of possession effective **June 30, 2016 at 1:00 p.m.** which must be served on the tenant.
3. The landlord agrees to pay the tenant **\$100.00** in full recovery of the cost of the filing fee by **March 31, 2016.**
4. The tenant agrees to withdraw his application in full as part of this mutually settled agreement.
5. The tenant waives his right under section 51 of the *Act* to double the monthly rent if the landlord is able to re-rent the rental unit before six months after the tenant vacates the rental unit on June 30, 2016.
6. The parties agree that rent for June 2016 will not be due as full compensation for the 2 Month Notice dated December 28, 2015 which was served on the tenant.
7. The parties agree to mutually withdraw all notices to end tenancy.

This settlement agreement was reached in accordance with section 63 of the *Act*.

Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above.

The landlord has been granted an order of possession effective June 30, 2016 at 1:00 p.m. This order must be served on the tenant and may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 4, 2016

Residential Tenancy Branch

