



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, O

Introduction

This hearing was convened in relation to the tenant's 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; and
- an "other" remedy.

The tenant and landlord both appeared. Neither party raised any issue regarding service.

At the commencement of the hearing, I informed the landlord that the 2 Month Notice was made out on an obsolete version of the notice. I informed the landlord that in order to be successful in the course of an adjudication he would be required to show that that notice met the form requirements set out in section 52 of the Act. The tenant and landlord determined that it was preferable to enter into a settlement to end the tenancy.

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 tenant agreed to withdraw her application.
2. The landlord agreed to withdraw the 2 Month Notice.

3. The tenant agreed to provide possession of the rental unit to the landlord on or before one o'clock in the afternoon on 30 June 2016.
4. The parties agreed that the tenancy is deemed to have ended pursuant to a notice issued under section 49 of the Act (two month notice).

The parties stated that they understood the terms of this agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

Conclusion

The tenant's application is withdrawn. The landlord's notice is withdrawn.

The attached order of possession is to be used by the landlord if the tenant does 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 with this order so that it may enforce it 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 subsection 9.1(1) of the Act.

Dated: March 23, 2016

Residential Tenancy Branch