



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OPL

Introduction

This hearing dealt with applications by both the tenant and the landlord. The tenant's application was brought pursuant to s. 49 of the *Residential Tenancy Act* (the "Act") for cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use dated November 30, 2016 (the "2 Month Notice"). The landlord's application was for an Order of Possession based on the 2 Month Notice.

The tenant attended the hearing with an advocate and a support person. The landlord also attended the hearing. At the outset of the hearing I advised the parties of their option to have me assist in mediating an agreement with respect to this tenancy. I further advised that any agreement would be documented in my decision pursuant to section 63 of the Act. It was made clear to the parties that there was no obligation to resolve the dispute through settlement.

Settlement

Over the course of the hearing, the parties reached an agreement to settle this matter on the terms set out below.

1. The landlord withdraws the 2 Month Notice.
2. The tenant withdraws her application to dispute the landlord's 2 Month Notice.
3. The tenancy will end at 1:00 pm on February 28, 2017.
4. If the tenant has not vacated the rental unit on or before January 31, 2017, then she will pay rent for the month of February on February 1, 2017

5. If the tenant vacates and returns the keys to the rental unit before the end of February, 2017, then the landlord will, no later than March 15, 2017, refund the corresponding portion of February's rent on a prorated basis.
6. The security deposit will be dealt with in accordance with the Act.

Conclusion

This matter has been settled.

The parties are bound by the terms of the agreement set out above, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to end the tenancy or apply for monetary compensation or other orders under the Act.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: January 19, 2017

Residential Tenancy Branch