



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OLC, FF

### Introduction

This is an application brought by the tenants, requesting an order canceling a Notice to End Tenancy that was given for renovations, however during the conference call the parties came to the following mutual agreement to resolve their dispute:

### Mutual Agreement

The parties agree that this tenancy will end, pursuant to the section 49, two month Notice to End Tenancy; however, the end of tenancy date will be extended to July 31, 2017.

The parties also agree that section 51 of the Residential Tenancy Act will still apply.

Section 51 of the Residential Tenancy Act states:

**51** (1) A tenant who receives a notice to end a tenancy under section 49 [*landlord's use of property*] is entitled to receive from the landlord on or before the effective date of the landlord's notice an amount that is the equivalent of one month's rent payable under the tenancy agreement.

(1.1) A tenant referred to in subsection (1) may withhold the amount authorized from the last month's rent and, for the purposes of section 50 (2), that amount is deemed to have been paid to the landlord.

The parties also agree, therefore, that the tenants may withhold the July 2017 rent to satisfy the section 51 requirement.

Conclusion

Based on the above mutual agreement I have issued an Order of Possession for 1:00 p.m. on July 31, 2017.

Further, as this dispute was resolved by mutual agreement, is my decision that the parties must share the cost of the \$100.00 filing fee, and I therefore have issued an order for the landlords to pay the tenants \$50.00.

***The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.***

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: April 10, 2017

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Residential Tenancy Branch