



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, OPL, FF

### Introduction

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”).

The Tenant applied on May 17, 2017 for:

1. An Order cancelling a notice to end tenancy - Section 49;
2. An Order allowing more time to make the application to cancel the notice to end tenancy - Section 66; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord applied on June 8, 2017 for:

1. An Order of Possession - Section 55; and
2. An Order to recover the filing fee for this application - Section 72.

Both Parties attended the conference call hearing. At the onset, it was determined that the Tenants made their application within the allowed time. Both Parties indicated their desire to reach an agreement to resolve the dispute and during the Hearing did reach a settlement agreement. 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.

### Agreed Facts

The tenancy began on September 1, 2016. Rent of \$600.00 is payable in advance on the first day of each month. On May 1, 2017 the Landlord served the Tenants with a two month notice to end tenancy for landlord’s use (the “Notice”) by placing the Notice in the mail slot on that date. The corrected effective date of the Notice is July 31, 2017.

Settlement Agreement

**The Parties mutually agree as follows:**

- 1. The effective date of the Notice is extended to September 1, 2017;**
- 2. The tenancy will end at 1:00 p.m. on September 1, 2017;**
- 3. The Tenants will pay the July 2017 rent no later than midnight July 10, 2017;**
- 4. The Tenants may deduct \$100.00 from July 2017 rent in compensation for the cost of their filing fee;**
- 5. No rent will be payable for August 2017 in lieu of the compensation required to be paid by the Landlord for having ended the tenancy; and**
- 6. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Section 63 of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the settlement may be recorded in the form of a decision or order. Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above. To give effect to this agreement I grant the Landlord an order of possession for 1:00 p.m. on September 1, 2017.

Conclusion

The Parties have settled the dispute.

I grant the Landlord an order of possession effective 1:00 p.m. on September 1, 2017.

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: July 10, 2017

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Residential Tenancy Branch