



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNL, OLC

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") to:

- cancel the landlord's 2 Month Notice to End Tenancy for Landlord's Use (the "2 Month Notice") pursuant to section 49; and
- for an order that the landlord comply with the Act, regulations or tenancy agreement pursuant to section 62.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The co-tenant RH (the "tenant") confirmed that he represented both co-tenants.

As both parties were in attendance I confirmed there were no issues with service of the landlord's 2 Month Notice, the tenants' application for dispute resolution and the parties' evidentiary materials. The parties confirmed receipt of one another's materials. In accordance with sections 88 and 89 of the *Act*, I find that the parties were served with the respective Notice, application and evidentiary materials.

Analysis

Pursuant to section 63 of the *Act*, the 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, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. This tenancy will end on 12:00pm September 30, 2017 by which time the tenants and any other occupant will have vacated the rental unit.
2. The \$512.50 security deposit, currently held by the landlord, will be handled at the end of the tenancy in accordance with the *Act*.
3. The tenants will pay the amount of \$2,050.00 to the landlord by eTransfer, by August 11, 2017.

4. The parties agreed that the above payment satisfied all outstanding and future rent owed by the tenant for this tenancy.
5. The parties agreed that this tenancy ends by way of their mutual agreement to end this tenancy and the landlord's 2 Month Notice is withdrawn and of no further effect.
6. This settlement agreement constitutes a full, final and binding resolution of the tenant's application at this hearing.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

To give effect to the above noted settlement agreement, and as discussed with them during the hearing, I grant an Order of Possession to the landlord, effective **September 30, 2017 at 12:00 pm**. The landlord is provided with this Order in the above terms and the tenant must be served with this Order in the event that the tenants or any occupant on the premises fails to provide vacant possession in accordance with the settlement terms. 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.

The landlord's 2 Month Notice is cancelled and of no further effect.

In order to implement the above settlement reached between the parties, and as advised to both parties during the hearing, I issue a monetary Order in the landlord's favour in the amount of \$2,050.00, to be used only in the event that the tenants do not abide by the monetary terms of the settlement agreement outlined above. Should the tenants fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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: August 9, 2017

Residential Tenancy Branch