



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes CNL, OLC

### Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the two month Notice to End Tenancy dated June 26, 2017
- b. An order that the landlord comply with the Act, regulation and/or tenancy agreement.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 2 month Notice to End Tenancy was personally served on the Tenant on June 29, 2017.

I find that a second 2 month Notice to End Tenancy date July 27, 2017 was personally served on the Tenant on July 27, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing by registered mail to where the landlord carries on business. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the two month Notice to End Tenancy dated June 26, 2017?
- b. Whether the tenants are entitled to an order that the landlord comply with the Act, regulation and/or tenancy agreement?

### Background and Evidence

The tenancy began on August 1, 2012. The tenancy agreement provided that the tenant(s) would pay rent of \$1200 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$600 at the start of the tenancy.

The landlord provided evidence that the representatives of the landlord in this hearing are the registered owners of the rental property although the tenancy agreement was entered into between the tenant and their the numbered company.

Grounds for Termination:

The Notice to End Tenancy relies on section 49 of the Residential Tenancy Act. That section provides as follows:

- The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on November 15, 2017.
- b. The parties request the arbitrator issue an Order of Possession for November 15, 2017.
- c. The parties acknowledge that as the tenants have been served with a 2 month Notice to End Tenancy they are entitled to the equivalent of one month rent free under section 51 of the Residential Tenancy Act.
- d. The tenant shall not proceed with and will withdraw with his application to cancel the 2 month Notice to End Tenancy dated July 27, 2017.

Determination and Orders:

As a result of the settlement I granted an Order of Possession effective November 15, 2017. All other claims are dismissed.

The tenants must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

**This decision is final and binding on the parties.**

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 22, 2017

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Residential Tenancy Branch