



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OPT, FF

Introduction

This hearing was convened by way of a teleconference call in response to the Tenant's Application for Dispute Resolution (the "Application") filed on July 28, 2017 to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property (the "2 Month Notice"). The 2 Month Notice was ultimately served to the Tenant on August 30, 2017 and the Tenant then amended the Application to dispute the 2 Month Notice on September 1, 2017.

The Landlords, the Tenant, the Tenant's mother, and the Co-Tenant appeared and took part in the hearing. All testimony was taken under affirmation. The Landlords confirmed receipt of the Application and the amended Application. The parties also confirmed service and exchange of all documentary evidence relied upon prior to the hearing.

At the start of the hearing, the Tenant confirmed that she did not require an Order of Possession for the rental unit as she was still residing in it. Therefore this portion of the Application was withdrawn.

The hearing process was explained to the parties and they had no questions about the proceedings. The parties were given a full opportunity to provide evidence to this dispute as well as oral and documentary evidence on the issue of the 2 Month Notice.

Section 63 of the *Residential Tenancy Act* (the "Act"), allows an Arbitrator to assist the parties to settle their dispute. 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.

After the parties had finished providing all their evidence, I offered the parties an opportunity to settle the matter by mutual resolution rather than having a decision made on the evidence pertaining to the 2 Month Notice. The parties carefully considered this

form of voluntary and alternative resolution, turned their minds to compromise, and were able to reach resolution between them as follows.

Settlement Agreement

The parties agreed to end the tenancy pursuant to the vacancy date of the 2 Month Notice, namely on October 31, 2017 at 1:00 p.m. The Landlords are issued with an Order of Possession which is effective for this date and time. This order may be enforced in the BC Supreme Court as an order of that court, if the Tenant fails to vacate the rental unit by this date.

The parties agreed the Tenant will receive her relief under the compensation provisions of the 2 Month Notice as follows. The Landlords will return the Tenant's uncashed rent cheque for October 2017 back to the Tenant at the rental unit address forthwith, and in any case on or before October 31, 2017.

The Tenant withdrew her claim for the recovery of the filing fee. As the parties have agreed to end the tenancy pursuant to the 2 Month Notice, I dismiss the Tenant's request to cancel the 2 Month Notice without leave to re-apply.

The parties confirmed their voluntary agreement to the above terms and conditions both during and at the conclusion of the hearing. This file is now closed.

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

Dated: October 20, 2017

Residential Tenancy Branch