



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the tenant and an agent for the landlord.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 49, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

Pursuant to section 56 of the *Act*, an Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during a hearing, the settlement may be recorded in the form of a decision or an order. During this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of the tenant's application and the issues in dispute arising out of this tenancy at this time and that they did so of their own free volition and without any element of coercion:

1. The landlord agrees to withdraw the Two Month Notice to End Tenancy for Landlord's Use of Property issued on August 29, 2017; and
2. The tenant agrees to vacate the rental unit on or before September 30, 2018.

Conclusion

In support of this settlement and with agreement of both parties I grant the landlord an order of possession effective **September 30, 2018 after service** on the tenant. This order must be served on the tenant. If the tenant fails to comply with this order the

landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the tenant is entitled to monetary compensation pursuant to Section 67 in the amount of **\$100.00** comprised of the filing fee paid by the tenant for this application. I order the tenant may deduct this amount from a future rent payment, pursuant to Section 72(2)(a) of the *Act*.

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: December 01, 2017

Residential Tenancy Branch