



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNQ

Introduction

This hearing dealt with the tenant's application for cancellation a Two Month Notice to End Tenancy for Landlord's Use of Property (the Two Month Notice) pursuant to section 49 of the *Residential Tenancy Act* ("the Act").

The owner of the residential premises (the landlord) and the tenant attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The landlord testified and provided evidence that their agent issued the Two Month Notice in the agent's own name, on behalf of the landlord, but that the landlord would be representing their own interests at this hearing.

Issue(s) to be Decided

Should the Two Month Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

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 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 and the tenant agreed that the tenant may give written notice to end their tenancy on any date after they serve the written notice to the landlord.
2. The landlord and the tenant agreed that if the tenant does not give written notice to end the tenancy prior to February 28, 2018, the tenancy will end on this date.
3. The landlord and the tenant agreed that if the tenant has not moved out of the rental unit before February 23, 2018, the landlord will serve the Order of Possession to the tenant on this date, with the understanding that the landlord will not seek to enforce the Order of Possession before the tenancy officially ends at 1:00 p.m. on February 28, 2018.
4. Both parties agreed that these particulars comprise the full settlement of all aspects of the tenant's current application arising out of the Two Month Notice issued on October 31, 2017.

Conclusion

In order to give effect to the above settlement, I grant an Order of Possession to the landlord **to take effect by 1:00 p.m. on February 23, 2018, after service of this Order** on the tenant. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: January 24, 2018

Residential Tenancy Branch