



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, pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property, dated October 31, 2017 ("2 Month Notice"), pursuant to section 49;
- authorization to recover the filing fee for his application, pursuant to section 72.

The landlord, the landlord's two agents, and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlord confirmed that both of his agents had permission to speak on his behalf at this hearing. This hearing lasted approximately 43 minutes in order to allow both parties to fully negotiate a settlement of this application.

This hearing began at 11:00 a.m. At approximately 11:09 a.m., the tenant confirmed that he needed to disconnect from the hearing because he was unable to properly hear me, due to his phone line. The tenant disconnected and called back immediately into the hearing. I did not discuss any evidence with the landlord or his two agents while the tenant was absent from the hearing. The hearing ended at approximately 11:43 a.m.

The landlord confirmed receipt of the tenant's application for dispute resolution and notice of hearing. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application and notice of hearing.

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 and orders. 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. Both parties agreed that this tenancy will end by 1:00 p.m. on May 31, 2018, by which time the tenant and any other occupants will have vacated the rental unit;
 - a. Both parties agreed that this tenancy is ending pursuant to the landlord's 2 Month Notice, dated October 31, 2017;
2. The landlord agreed that the tenant is entitled to one month's free rent compensation pursuant to section 51 of the *Act* and the landlord's 2 Month Notice on the following term:
 - a. The tenant is not required to pay any rent to the landlord from May 1 to 31, 2018;
3. The landlord agreed to reimburse the tenant \$50.00, which represents half the cost of the application filing fee, by way of reducing the tenant's rent due to the landlord for February 2018 by \$50.00;
 - a. Both parties agreed that the tenant only owes the landlord \$1,050.00 of the \$1,110.00 total rent for February 2018 to account for the above rent reduction of \$50.00;
4. The tenant agreed to bear the cost of \$50.00, which represents half the filing fee paid for this application;
5. The tenant agreed that this settlement agreement constitutes a final and binding resolution of his application made at this hearing.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties affirmed at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties affirmed 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 settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be used by the landlord **only** if the tenant and any other occupants fail to vacate the rental premises by 1:00 p.m. on May 31, 2018. The tenant must be served with this Order in the event that the tenant and any other occupants fail to vacate the rental premises by 1:00 p.m. on May 31, 2018. 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.

I order the tenant to reduce his February 2018 rent by \$50.00 which accounts for the landlord's reimbursement to the tenant for half the cost of the application filing fee.

The tenant must bear the cost of \$50.00, which represents half the filing fee paid for this application.

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 26, 2018

Residential Tenancy Branch