Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL MNR FF

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. A participatory hearing, by teleconference, was held on February 14, 2018. The Tenants' applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "*Act*").

Both parties attended the hearing and provided testimony. Each party confirmed receipt of each other's documentary evidence.

Preliminary and Procedural Matters

The Tenants applied for multiple remedies under the *Residential Tenancy Act* (the "*Act*"), some of which were not sufficiently related to one another.

Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

After looking at the list of issues before me at the start of the hearing, I determined that the most pressing and related issues before me deal with whether or not the tenancy is ending. As a result, I exercised my discretion to dismiss, with leave to reapply, all of the grounds on the Tenants' application with the exception of the following ground:

- to cancel a 2-Month Notice to End Tenancy for Landlord's Use of the Property (the "Notice").

Settlement Agreement

During the hearing, a mutual agreement was discussed and the Tenants agreed to withdraw their application to cancel the Notice as long as they could have some extra time to move out, which the Landlords agreed to.

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.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

- The Tenants will move out of the rental unit by **July 31, 2018, at 1pm**.
- The Tenants are at liberty to move out before this time.
- The Notice issued on November 10, 2017, is cancelled.
- The Tenants withdraw their application to cancel the Notice.
- Any monetary claim made by either party is not included in this settlement agreement, and each party is at liberty to reapply for these issues or for other issues that arise during the remainder of the tenancy.
- This mutual agreement only settles when the tenancy will end.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter. Parties are encouraged to try to work together on any remaining issues.

To give effect to the settlement reached by the parties, I also grant the Landlords an Order of Possession effective July 31, 2018, at 1pm to reflect the end of tenancy.

Conclusion

In support of the agreement described above, the Landlords are granted an order of possession effective July 31, 2018, at 1pm and after service on the Tenants. The Landlords may serve and enforce this Order if the Tenants fail to move out as specified above.

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: February 15, 2018

Residential Tenancy Branch