



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNL, FF

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") to:

- allow the tenants more time to make an application to cancel a notice to end tenancy pursuant to section 66;
- cancel the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 47; and
- recover the filing fees of this application from the landlord.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenants were assisted by their counsel.

As both parties were present service of documents was confirmed. The tenants testified that they received the landlord's 2 Month Notice dated December 14, 2017 by registered mail. The landlord confirmed receipt of the tenants' application for dispute resolution dated January 18, 2018. I find that the 2 Month Notice and application for dispute resolution were served in accordance with sections 88 and 89 of the Act.

The landlord noted that much of the tenants' evidence was served outside of the timeframe provided but confirmed that she was in receipt of the materials. I find that pursuant to section 71(c) of the Act and Rule of Procedure 3.17 as there is no undue prejudice to the landlord the evidence was sufficiently served for the purposes of the Act.

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 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. This tenancy will end on 12:00 pm April 30, 2018, by which time the tenants and any other occupants will have vacated the rental unit.
2. The tenants may withhold the amount of the rent for April, 2018, \$2,300.00.
3. The landlord will issue a letter of reference for the tenants. The letter will be provided to tenants' counsel by 5:00pm on March 23, 2018.
4. This settlement agreement constitutes a final and binding resolution of the tenant's application at this hearing.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified 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 served on the tenants by the landlord **only** if the tenants and any other occupants fail to vacate the rental premises by 12:00 p.m. on April 30, 2018. Should the tenants 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: March 19, 2018

Residential Tenancy Branch