



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FF

Introduction

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

- a cancellation of the landlords' Notice to End Tenancy for Landlords' Use of Property, pursuant to section 49 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Landlord B.E.V. and the tenant appeared at the hearing. Both parties were given a full opportunity to be heard, to present testimony, to make submissions and to call witnesses.

The tenant confirmed receipt of the landlords' 2 Month Notice to End Tenancy, after it was posted on her door on January 17, 2018. Pursuant to section 88 of the *Act*, I find that the tenant has been duly served with the landlords' 2 Month Notice on January 20, 2018, three days after its posting.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package on approximately January 26, 2018. In accordance with section 89, I find that the landlord was duly served with the tenant's application for dispute.

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. Both parties entered into a mutual agreement that this tenancy will end on April 30, 2018 at 1:00 P.M., by which date the tenant and any other occupants will have vacated the rental unit.
2. Rent shall be due on April 1, 2018. The landlords acceptance of rent does not extend the tenancy beyond the agreed upon move out date of April 30, 2018.
3. Both parties agreed that this settlement agreement constituted a final and binding resolution of the tenant's application.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. 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 discussed with them during the hearing, I issue an Order of Possession to the landlords, which is to take effect by 1:00 P.M. on April 30, 2018. The landlords are provided with this Order in the above terms and the tenant must be served with this Order in the event that the tenant does not abide by condition #1 of the above settlement. 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.

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 23, 2018

Residential Tenancy Branch