



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) that was filed by the Tenant under the *Residential Tenancy Act* (the “Act”), seeking cancellation of a Two Month Notice to End Tenancy for Landlord’s Use of Property (the “Two Month Notice”).

I note that section 55 of the *Act* requires that when a tenant submits an Application seeking to cancel a notice to end tenancy issued by a landlord, I must consider if the landlord is entitled to an order of possession if the Application is dismissed and the landlord has issued a notice to end tenancy that is compliant with section 52 of the *Act*.

The hearing was convened by telephone conference call and was attended by Tenant, the agent for the Tenant (the “Agent”), who is also an occupant of the rental unit, and the Landlord, all of whom provided affirmed testimony. The parties were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

At the request of the Tenant, copies of the decision and Monetary Order will be mailed to her at the rental address. At the request of the Landlord, copies of the decision and the Order of Possession will be faxed to him at the fax number provided in the hearing.

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised on several occasions during the hearing that there is no obligation to resolve the dispute through settlement, but that pursuant to section 63 of the *Act*, I could assist the parties to reach an agreement, which would be documented in my Decision and supporting orders.

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The parties agree that the tenancy will end at 1:00 P.M. on June 1, 2018.
2. The Tenant agrees to vacate the rental property by 1:00 p.m. on June 1, 2018.
3. The rights and obligations of the parties under the *Act* continue until the tenancy ends in accordance with this agreement.
4. The parties agree that no rent will be due for May, 2018.
5. The Landlord agrees to pay the Tenant \$637.00 on or before 1:00 P.M.

on June 1, 2018.

6. The Landlord agrees to provide the Tenant a receipt for all rent paid since the start of the tenancy on or before 1:00 P.M. on June 1, 2018.
7. The Tenant withdraws their Application seeking cancellation of the Two Month Notice in full as part of this mutually agreed settlement but remains at liberty to apply for compensation pursuant to section 51(2) of the *Act*.

This settlement agreement was reached in accordance with section 63 of the *Act*.

Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above.

In support of the settlement described above, and with the agreement of the parties, I grant the Landlord an Order of Possession, effective 1:00 P.M. on June 1, 2018. The Landlord is provided with this Order in the above terms and the Tenant must be served with this Order as soon as possible. Should the Tenant fail to comply with this Order, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

In support of the settlement described above, and with the agreement of the parties, I grant the Tenant a Monetary Order in the amount of \$637.00. The Tenant is provided with this Order in the above terms and if the Landlord fails to comply with the payment arrangements noted under section five of the mutual settlement agreement, the Landlord must be served with this Order as soon as possible. Should the Landlord fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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: April 6, 2018

Residential Tenancy Branch