



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION AND RECORD OF SETTLEMENT

Dispute Codes

CNL FF

Introduction

The tenant's application under the *Residential Tenancy Act* (the Act) sought to cancel the landlord's Notice to End for landlord's Use and recover the filing fee.

Both parties attended the hearing with their respective legal counsel. Both parties confirmed the issue regarding the landlord's 2 Month Notice to End for landlord's use dated January 25, 2018 was the primary issue to be dealt with.

Background and Evidence

This tenancy started in October 2012.

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, some discussion between the parties led to resolution of the relevant matters. As a result the parties confirmed to me that they both agreed as follows;

- 1.** That the tenancy will end no later than **July 31, 2018** and the landlord will receive an Order of Possession effective no sooner than the agreed date.
- 2.** That the **tenant may vacate sooner** than the agreed date upon the tenant providing the landlord with notice they are vacating prior to the agreed end of tenancy date.
- 3.** That the agreed monetary term of this settlement is that the tenant will receive from the landlord the sum **equivalent of 2 month's rent** as follows,
 - (a) the payable rent for the month **of March 2018 is agreed as having been satisfied in full.**

(b) the tenant **may withhold the payable rent for the last month of occupancy** as compensation pursuant to Section 51 of the Act for receiving a 2 Month Notice.

With benefit of counsel both parties testified in the hearing confirming to me that they understood and agreed to the above terms, and that the settlement particulars comprise the full and final settlement of all aspects of this dispute.

So as to perfect this agreement,

The landlord is given an **Order of Possession** to reflect the agreed end of tenancy date. If necessary, this Order may be filed in the Supreme Court and enforced as an Order of that Court.

As the parties mutually resolved their dispute I decline to grant recovery of the filing fee.

Conclusion

The parties settled their dispute in the above terms.

This Decision and Settlement are final and binding.

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 10, 2018

Residential Tenancy Branch