



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes CNL, FFT

### Introduction

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

- Cancellation of a 2 Month Notice to End Tenancy for Landlord's Use (the "2 Month Notice") pursuant to section 49; and
- Authorization to recover the filing fee for the application from the landlord pursuant to section 72.

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.

As both parties were present service was confirmed. The tenant testified that they were served with the landlord's 2 Month Notice dated April 12, 2018 on or about that date. The landlord confirmed that they were served with the tenant's application for dispute resolution dated April 27, 2018 and evidence on or about that date. The tenant testified that they had been served with the landlord's evidentiary materials. Based on the undisputed testimonies of the parties I find that the parties were served with the respective materials in accordance with sections 88 and 89 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 October 31, 2018, by which time the tenant and any other occupants will have vacated the rental unit.
2. The parties agree that the tenant may withhold rent in the amount of \$881.45 for the last month of this tenancy.

3. The parties agree that the tenant may end this tenancy prior to October 31, 2018 by giving the landlord at least 10 days' written notice.
4. The parties agree that this tenancy will end by way of this settlement agreement. The 2 Month Notice of April 12, 2018 is cancelled and of no further force or effect.
5. This settlement agreement constitutes a final and binding resolution of both parties' applications 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 tenant by the landlord **only** if the tenant and any other occupants fail to vacate the rental premises by 12:00 p.m. on October 31, 2018. 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: June 20, 2018

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Residential Tenancy Branch