



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL FF

Introduction

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

- an order of possession for landlord's use of property pursuant to section 55;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement.

Terms of Settlement

Pursuant to section 63 of the Act, an 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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The parties agree that the Two Month Notice to End Tenancy on file dated April 30, 2018 is sufficiently served on the tenants as of today's hearing date and the parties agree that the effective date of the Notice is **November 30, 2018**. The landlord is not required to serve a new Notice to End Tenancy for Landlord's Use of Property.
2. The parties agreed that that this tenancy will end *no later* than **1:00 p.m. on November 30, 2018**, and, the landlord will be granted an **Order of Possession** effective this date.

3. The tenants are entitled to the equivalent of one month rent free under section 51(1) of the Act and the tenants shall be entitled to apply that to the month of November 2018.
4. The tenants may end the tenancy early by providing the landlord with at least 10 day's written notice to end the tenancy on a date that is earlier than November 30, 2018 pursuant to section 50 of the Act. A notice under this section does not affect the tenants' right to compensation under section 51 of the Act.
5. The tenants retain the right under section 51(2) of the Act to claim against the landlord if :
 - a) steps have not been taken, within a reasonable period after the effective date of the notice, to accomplish the stated purpose for ending the tenancy, or
 - b) the rental unit is not used for that stated purpose for at least 6 months' duration, beginning within a reasonable period after the effective date of the notice.

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute.

This Decision and Settlement Agreement is final and binding on both parties.

Conclusion

I grant an Order of Possession to the landlord effective **1:00 p.m. on November 30, 2018**. Should the tenant(s) 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: July 19, 2018

Residential Tenancy Branch