



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPL CNL

Introduction

This hearing dealt with an application from both parties to the *Residential Tenancy Act* ("Act").

The tenants applied for:

- a cancellation of the landlord's Notice to End Tenancy for Landlord's Use of Property, pursuant to section 49 of the *Act*.

The landlord applied for:

- an Order of Possession related to a 2 Month Notice to End Tenancy for Landlord's Use of Property.

Both of the tenants, the landlord and counsel for the landlord S.B. attended the hearing. All parties confirmed receipt of each other's applications for dispute and evidentiary packages.

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.

1. Both parties entered into a mutual agreement that this tenancy will end on September 30, 2018 at 1:00 P.M., by which date the tenants and any other occupants will have vacated the rental unit.
2. The landlord withdrew the 2 Month Notice dated May 9, 2018.

3. The parties agreed that this tenancy ends by way of their mutual agreement to end this tenancy and not on the basis of the landlord's 2 Month Notice, dated May 9, 2018.
4. The landlord agreed to accept rent of \$380.00 on August 15, 2018 in full satisfaction for the final month's rent.
5. The landlord agreed to waive rent for September 2018 and agreed that the tenants would not pay any rent for the time period of September 1, 2018 to September 30, 2018.
6. Both parties agreed that this settlement agreement constituted a final and binding resolution of the parties' applications.

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 landlord, which is to take effect by 1:00 P.M. on September 30, 2018. The landlord is provided with this Order in the above terms and the tenants must be served with this Order in the event that the tenant does not abide by condition #1 of the above settlement. Should the tenants 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 17, 2018

Residential Tenancy Branch