



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPL, FFL

### Introduction

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

- an Order of Possession based on a Two Month Notice to End Tenancy for Landlord's Use of Property (the Two Month Notice) pursuant to sections 49 and 55; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The landlord and the tenant attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession based on the Two Month Notice?

Is the landlord entitled to recover the filing fee for this Application?

### Background and Evidence

A copy of the landlord's April 01, 2018, signed Two Month Notice was entered into evidence. In the Two Month Notice, requiring the tenant to end this tenancy by June 01, 2018, the landlord cited the following reason for the issuance of the Two Month Notice:

*The rental unit will be occupied by the landlord or the landlord's close family member (parent, spouse or child; or the parent or child of that individual's spouse)*

### 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 this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of the landlord's application and the issues in dispute arising out of this tenancy at this time and that they did so of their own free volition and without any element of coercion:

1. The tenant agreed to pay **\$1,300.00** in outstanding rent to the landlord on July 24, 2018.
2. The landlord and the tenant agreed that this tenancy will end by 1:00 p.m. on August 31, 2018, by which time the tenant agreed to have vacated the rental unit, on the basis of the Two Month Notice dated April 01, 2018.
3. All parties agreed that these particulars comprise the full settlement of all aspects of the landlord's current application arising out of the Two Month Notice.

### Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I grant an Order of Possession to the landlord effective **on August 31, 2018**, to be used by the landlord if the tenant(s) do not vacate the rental premises in accordance with their agreement.

The landlord is provided with these Orders in the above terms and the tenant(s) must be served with an Order in the event that the tenant(s) do not vacate the premises by the time and date set out in their agreement. Should the tenant(s) or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

In order to implement the above monetary settlement reached between the parties, I issue a monetary Order in the landlord's favour in the amount of \$1,300.00. I deliver this Order to the landlord in support of the above agreement for use **only** in the event that the tenant does not abide by Clause 1 of the above settlement.

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible after a failure to comply with the terms of the above settlement agreement. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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: July 25, 2018

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Residential Tenancy Branch