



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNL-4M

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for cancellation of the landlord's 4 Month Notice to End Tenancy for Landlord's Use of Property (the 4 Month Notice) pursuant to section 49.

Both parties attended the hearing and were able to make themselves heard and given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenant represented herself with the assistance of her family member.

The tenant confirmed receipt of the 4 Month Notice on July 26, 2018. I find that the tenant was served with the 4 Month Notice in accordance with section 88 of the *Act* on that date. The tenant testified that they filed their application for dispute resolution on August 6, 2018 but did not serve it on the landlord until shortly before the hearing. The landlord testified that they were served with the tenant's application and evidence on September 19, 2018 and did not submit evidence of their own. Based on the testimonies of the parties I find that the landlord was sufficiently served with the tenant's application and evidence in accordance with sections 88, 89 and 71 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 April 1, 2019, by which time the tenant and any other occupants will have vacated the rental unit.
2. The parties agree that this tenancy will end by way of this settlement agreement. The 4 Month Notice to End Tenancy for Landlord's Use dated July 26, 2018 is cancelled and of no further force or effect.
3. The tenant agrees to take all reasonable measures required by the landlord to accommodate the landlord's renovations, repairs and maintenance work on the rental property.
4. This settlement agreement constitutes a final and binding resolution of the tenant's application 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 April 1, 2019. 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: September 25, 2018

Residential Tenancy Branch