



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy for landlord’s use - Section 49;
and
2. An Order to recover the filing fee for this application - Section 72.

Both Parties attended the conference call hearing. At the onset of the hearing, both Parties indicated that they wished to reach a settlement agreement and did reach a settlement agreement on the dispute. The Parties confirmed at the end of the hearing that the agreement recorded below was made on a voluntary basis and that the Parties understood the nature of this full and final settlement of this matter.

Agreed Facts

The tenancy began on December 1, 2017 on a fixed term to end November 30, 2018. Rent of \$1,100.00 is payable on the first day of each month. At the outset of the tenancy, the Landlord collected a security deposit of \$550.00. On June 26, 2018 the Tenant received a notice to end tenancy for landlord’s use (the “Notice”). The stated reason for the Notice is that the landlord intends to renovate the unit in a manner that requires the unit to be vacant. The Tenant has the email address of the Landlord as set out on the cover page of this Decision. The mutual agreement to end the tenancy

signed by the Landlord on September 4, 2018 and by the Tenant on September 123, 2018 is rescinded.

Settlement Agreement

The Parties mutually agree as follows:

- 1. The tenancy will end and the Tenant will vacate the unit no later than 1:00 p.m. on November 1, 2018;**
- 2. The Tenant is not liable for any rent payable for November 2018;**
- 3. The Landlord will pay the Tenant, no later than October 15, 2018, the sum of \$1,100.00 or the Tenant may deduct this amount from the monthly rent due October 1, 2018;**
- 4. If the Tenant intends to deduct the \$1,100.00 on October 1, 2018 the Tenant will inform the Landlord of this intended deduction by email to the Landlord on or before September 30, 2018 at the email address set out on the cover page of this Decision;**
- 5. The Landlord will reimburse the Tenant no later than October 15, 2018 with \$50.00 representing half the filing fee paid by the Tenant for this application; and**
- 6. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Section 63 of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the settlement may be recorded in the form of a decision or order. Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above. To give effect to the Tenant's agreement to move out of the unit I grant the Landlord an order of possession on the above agreed terms. To give effect to the Landlord's agreement to compensate the Tenant with \$1,100.00 either by payment or deduction from the October 2018 rent I grant the Tenant a monetary order for this amount. To give effect to the Landlord's agreement to reimburse half the filing fee to the Tenant I grant the Tenant a monetary order for

\$50.00. None of these orders will be effective if the terms of the mutual agreement are met by the Parties.

Conclusion

The Parties have settled the dispute.

I grant an Order of Possession to the Landlord effective 1:00 p.m. on November 1, 2018.

I grant the Tenant a monetary order under Section 67 of the Act for **\$50.00** and a monetary order under Section 67 of the Act for **\$1,100.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order 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: September 14, 2018

Residential Tenancy Branch