



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL OPL FF

Introduction

This hearing dealt with an application from both parties under the *Residential Tenancy Act* (“*Act*”) for relief as follows:

Landlords Application:

- an Order of Possession based on a 2 Month Notice to End Tenancy.

Tenants Application:

- a cancellation of the landlords’ Notice to End Tenancy for Landlord’s Use of Property, pursuant to section 49 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Tenant L.B, her advocate D.W. and the landlords attended the hearing. Following opening remarks, the tenants’ advocate explained the tenants had found new housing and were no longer seeking to enforce their application.

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 November 30, 2018 at 1:00 P.M., by which date the tenants and any other occupants will have vacated the rental unit.

2. Both parties agreed that this settlement agreement constituted a final and binding resolution of each application before me.

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. This settlement does not prejudice any future applications brought by either party, and the security deposit must be dealt with in accordance with the *Act* following the conclusion of the tenancy.

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 November 30, 2018. The landlords are provided with this Order in the above terms and the tenants must be served with this Order in the event that the tenants do 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.

Pursuant to section 72 of the *Act*, the tenants are granted a monetary award of \$100.00 in full satisfaction for a return of her filing fee.

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: November 15, 2018

Residential Tenancy Branch