



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC FFT**

Introduction

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

- An order to cancel a notice to end tenancy for cause pursuant to section 47; and
- Recovery of the filing fee for this application from the landlord pursuant to section 72.

The landlord attended the hearing and the tenants attended with their representative, MS. As both parties were in attendance service of documents was confirmed. The tenant confirmed receipt of the landlord's Notice; the landlord confirmed receipt of the tenants' application for dispute resolution and evidence. Based on the testimonies of the parties, I find that each party was served with the respective materials in accordance with sections 88 and 89 of the *Act*.

Settlement

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:

1. This tenancy will end at 1:00 p.m. on November 30, 2019, by which time the tenants and any other occupant will have vacated the rental unit.
2. Both parties agree that this tenancy will end by way of this agreement and the One Month Notice for cause is cancelled and of no further force or effect.
3. The rights and obligations of the parties under the *Act* continue until the tenancy ends in accordance with this agreement.
4. The parties agree to make their best efforts to communicate with one another; M.S. will assist the parties by providing translation services.
5. The tenants will not reverse their vehicle into the attached parking area; the tenants will only drive the vehicle forward into the parking area.
6. This settlement comprises the full and final settlement of the tenant's application.

Both parties testified 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, I issue the attached Order of Possession to be used by the landlord **only** if the tenant fails to vacate the rental unit by 1:00 p.m. on November 30, 2019. The landlord is provided with this Order in the above terms and the tenant must be served with this Order in the event that the tenants do not vacate the premises.

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: March 14, 2019

Residential Tenancy Branch