



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC

Introduction

This hearing dealt with the tenant's application pursuant to the Residential Tenancy Act (the "*Act*") for cancellation of the landlord's One Month Notice to End Tenancy for Cause (the "One Month Notice") pursuant to section 47.

Tenant C.T. appeared on her own behalf and she appeared on behalf of tenant, L.J. Landlord appeared on his own behalf. Both parties had full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions. The landlord acknowledged receipt of the tenant's Notice of Hearing and Application for Dispute Resolution and both party's acknowledged receipt of each other's evidence. Neither party raised issues of service. I find the parties were served in accordance with the *Act*.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order. Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a Decision:

The Parties mutually agreed as follows:

- The landlord shall allow the tenants to stay until 1:00 pm on May 31, 2019 and the landlord is granted an Order of Possession in accordance with that date;
- This is contingent on the tenants paying rent in the sum of \$150.00 by 5:00 p.m. on Wednesday, April 18, 2019 AND on the tenants paying rent in the sum of \$800.00 by 5:00 p.m. on Tuesday, April 30, 2019.
- Should the tenants not timely pay the landlord the sum of \$150.00 by 5:00 p.m. on Wednesday, April 18, 2019 or the sum of \$800.00 by 5:00 p.m. on Tuesday, April 30, 2019, an Order of Possession shall be effective two days after service this Order on the tenants.

These terms comprise the full and final settlement of all aspects of these applications for both parties.

The tenant, C.T. testified that she entered this agreement on her own behalf and on behalf of tenant, L.J.

Both parties testified that they understood and agreed that the above terms are final, binding, and enforceable, and settle all aspects of this application.

Based on the above, I find that all matters between these parties raised in this application is resolved pursuant to the above agreed terms.

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 May 31, 2019. The landlord shall serve this Order on the tenants.

In addition, I issue the landlord an Order of Possession, effective two days after service upon the tenants, to be used only if the tenants fail to timely pay the landlord the sum of \$150.00 by 5:00 p.m. by Wednesday, April 18, 2019 or the sum of \$800.00 by 5:00 p.m. by Tuesday, April 30, 2019.

If the tenants fail to comply with these Orders, each of these Orders may be filed and enforced as an Order of the Supreme Court of British Columbia.

Further to the settlement reached by the parties, I dismiss all claims by both parties in this application without leave to reapply.

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: April 18, 2019

Residential Tenancy Branch