



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION AND RECORD OF SETTLEMENT**

**Dispute Codes**      OPL

### **Introduction**

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the “Act”) for an undisputed 2 Month Notice to end Tenancy for Landlord’s Use. Both parties attended the hearing and provided testimony. The tenant confirmed receiving the Notice of Dispute Resolution Proceeding.

### **Issue(s) to be Decided**

Is the landlord entitled to an Order of Possession?

### **Evidence and Background**

The tenant testified that they received from the landlord a 2 Month Notice to End for Landlord’s Use with an effective date of May 01, 2019. The tenant testified they did not file an application to dispute the landlord’s Notice and confirmed they still occupy the rental unit however are in the process of moving and intend to vacate by the effective date of the landlord’s Notice.

### **Analysis**

In this matter it is clear the tenant did not dispute / is not disputing the landlord’s Notice, which as a sum result they intend to vacate the rental unit by the effective date of the Notice. Despite the merit of the landlord’s application statutorily entitling them to an Order of Possession, during the course of the hearing the parties briefly addressed the matter in testimony and each agreed to settle the status of the tenancy and this dispute to the satisfaction of both parties as follows.

**Section 63** of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing and an Arbitrator may record their settlement as a Decision and Order. Pursuant to this provision, discussion between the parties led to

resolution of the relevant matter respecting the 2 Month Notice to End. As a result the parties confirmed to me that **they both agreed as follows;**

**1. The tenancy will end May 01, 2019** and the landlord will receive an **Order of Possession** effective the agreed date.

Both parties testified in the hearing confirming to me that they understood and agreed to the above terms, and that the settlement particulars comprise the full and final settlement of the status of the tenancy.

So as to perfect this settlement agreement, the landlord is given an **Order of Possession**, effective **May 01, 2019**. If the landlord seeks to rely on the Order the tenant must be served with this Order. If the tenant fails to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

### **Conclusion**

The parties settled their dispute in the above terms.

**This Decision and Settlement agreement are final and binding.**

*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: May 01, 2019

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Residential Tenancy Branch