



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING

RECORD OF SETTLEMENT

Dispute Codes CNCL MNDCT OLC RP RR

Introduction

This Review Hearing was convened in response to a successful Application for Review dated October 17, 2019 of an original decision dated October 08, 2019 in respect to the tenant's application pursuant to the *Residential Tenancy Act* (the Act) to cancel a Two Month Notice to End Tenancy for Landlord's Use. The result of which is that the original Decision and Order are suspended until following a Review Hearing. Both parties attended the Review Hearing and provided testimony. The parties acknowledged exchanging evidence. The tenant was represented by an advocate and the landlord was represented by legal counsel.

Near the outset of the hearing I apprised the parties in respect to Residential Tenancy Branch (RTB) Rule of Procedure 2.3 stating that claims made in an Application for Dispute Resolution must be related to each other, and that Arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply. The parties were given a priority hearing date in order to address the question of the validity of the Notice to End Tenancy. I found the priority claim regarding the Two Month Notice and the continuation of this tenancy are not sufficiently related to the tenant's monetary claim to warrant they be heard together. I exercised my discretion to dismiss the tenant's monetary claim(s), *with leave to reapply*.

Near the conclusion of this proceeding the parties briefly discussed the dispute and agreed to settle the dispute to the satisfaction of both parties.

Settlement

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

dispute of this matter. As a result, the parties confirmed to me that **they both agreed as follows;**

1. The tenancy will end **December 15, 2019** and the landlord will receive an Order of Possession effective the agreed date.
2. The tenants will satisfy the payable rent to the tenancy end date, in consideration that the tenants have already withheld payment of one month's rent in satisfaction of Section 51(1) of the Act.

Both parties testified in the hearing confirming to me that they understood and agreed to the above terms, and that the settlement terms comprises the full and final settlement vis a vis the Two Month Notice to End of this matter and status of the tenancy.

So as to perfect this settlement agreement,

The landlord is given an **Order of Possession**, effective **December 15, 2019**. 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.

I Order that the original Decision and Order of this matter dated October 08, 2019 are of no force or effect.

Conclusion

The parties settled their dispute in respect to the Two Month Notice to End of this matter 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: November 19, 2019

Residential Tenancy Branch