



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT
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; and
- request for more time to cancel a notice pursuant to section 66;

Both parties attended the hearing and had full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions.

Preliminary Matter:

After the One Month Notice, the landlord issued a 10 Day Notice to End Tenancy (the "10 Day Notice") served on November 15, 2019 in person. I clarified with the tenants that I had the authority to amend the application to consider the 10 Day Notice. Tenants ERP and CF testified that they did not wish to amend their application to deal with the 10 Day Notice at this hearing.

Settlement

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.

The parties discussed the issues between them, engaged in conversation, turned their minds to compromise, and achieved a resolution of their dispute.

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 parties agreed to end the tenancy.
- The tenant shall vacate the rental unit on or before January 31, 2020 at 1.00 p.m.

These terms comprise the full and final settlement of all aspects of all disputes relating to the One Month Notice and the 10 Day Notice (the “Notices”) between the parties.

Both parties testified that they understood and agreed that the above terms are final, binding, and enforceable, and settle all aspects of all disputes relating to the Notices.

Based on the above, I find that all matters of all disputes relating to the Notices between these parties are resolved pursuant to the above agreed terms.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

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 at 1:00 p.m. on January 31, 2020. 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 tenant does not vacate the rental unit on January 31, 2020 by 1.00 p.m.

If the tenant fails to comply with this Order, this Order 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 the tenant’s 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: December 02, 2019

Residential Tenancy Branch