



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FF

Introduction

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

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property (the Two Month Notice) pursuant to section 49;
- authorization to recover the filing fee for this application pursuant to section 72.

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement.

Terms of Settlement

Pursuant to section 63 of the Act, an 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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenant and landlord agree **that this tenancy will end no later than 1:00 p.m. on January 31, 2020**, and, the landlord will be granted an **Order of Possession** effective this date.
2. The landlord agrees to not enforce the attached Order of Possession until February 15, 2020 on the following condition:
 - i. The tenant pays the outstanding December 2019 rent in the amount of \$1230.00 on or before the end of the day January 17, 2020.

3. If the tenant fails to pay the outstanding December 2019 rent payment as per above, the landlord may enforce the order of possession January 31, 2020 as per the effective date of the Two Month Notice.
4. The tenant is entitled to the equivalent of one month rent free under section 51(1) of the Act and the tenant shall be entitled to apply that to the month of January 2020.
5. The tenant may end the tenancy early by providing the landlord with at least 10 day's written notice to end the tenancy on a date that is earlier than February 15, 2020 pursuant to section 50 of the Act. A notice under this section does not affect the tenants' right to compensation under section 51 of the Act.
6. The tenant is still responsible for ½ month's rent for the period of February 1, 2020 to February 15, 2020 should the tenant still occupy the unit for this time.
7. The tenant retains the right under section 51(2) of the Act to claim against the landlord if :
 - a) steps have not been taken, within a reasonable period after the effective date of the notice, to accomplish the stated purpose for ending the tenancy, or
 - b) the rental unit is not used for that stated purpose for at least 6 months' duration, beginning within a reasonable period after the effective date of the notice.

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute.

This Decision and Settlement Agreement is final and binding on both parties.

Conclusion

Subject to the conditions described above, I grant an Order of Possession to the landlord effective **1:00 p.m. on January 31, 2020**. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: January 17, 2020

Residential Tenancy Branch