



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNL, FFT

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 ("Two Month Notice") issued pursuant to section 49;
- cancellation of One Month Notice to End Tenancy for Cause ("One Month Notice") issued pursuant to section 47; and
- authorization to recover the filing fee for this application pursuant to section 72.

Both parties attended the hearing and had full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions. Landlords DS and YX were assisted by lawyer CP. Former landlord JL also attended.

As both parties were in attendance I confirmed there were no issue with service of the tenant's application for dispute resolution. The landlords confirmed receipt of the tenant's application. In accordance with sections 88 and 89 of the Act, I find the landlords were duly served with the tenant's application.

Preliminary Issue – Amendment

Former landlord JL affirmed he sold the rental property and transferred possession to the new landlords DS and YX on December 13, 2019. Landlords DS and YX did not dispute this affirmation.

Accordingly, pursuant to section 64 (3)(a) and (c), I amend the application to remove landlord JL as respondent and include landlords DS and YX as the new respondents.

Settlement

Pursuant to section 63 of the Act, the 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. During the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute regarding this application only.

Both parties agreed to the following final and binding settlement of all issues listed in this application for dispute resolution:

- The tenant agrees to provide the landlords with vacant possession of the subject rental property by 1:00 P.M. on February 03, 2020.
- The tenant agrees to be respectful and avoid any unnecessary contact with the landlords until the end of the tenancy;
- There will be no communication between the tenant and the landlords between 8:00 P.M. and 7:00 A.M., unless if there is an emergency;
- The tenant agrees to allow the landlords to access the laundry and mechanical room between 5:00 P.M. to 7:30 P.M.

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 landlords, which is to take effect by 1:00 P.M. on February 03, 2019. 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.

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 21, 2020