



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, AAT

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order to allow access to or from the rental unit or site for the tenant or the tenant's guests pursuant to section 70.

Both parties attended the hearing via conference call and provided affirmed testimony. Both parties confirmed the tenants served the landlord with the notice of hearing package via Canada Post Registered Mail.

At the outset, the tenants indicated that they wished to end the tenancy and move-out.

Section 63 of the Residential Tenancy Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the two parties during the hearing led to a resolution. Specifically, it was agreed as follows:

Both parties agreed to mutually end the tenancy on November 1, 2020, by which time the tenants will have vacated the rental unit.

The landlord agreed to withdraw the 1 Month Notice to End dated February 21, 2020.

The tenants agreed to cancel the application for dispute.

Both parties agreed that beginning May 1, 2020 the monthly rent term of their tenancy would increase to \$1,175.00 payable on the 1st day of each month.

Both parties agreed that the above noted particulars comprised a full and final settlement of all aspects of the dispute arising from their applications for dispute resolution.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

Both parties acknowledged regarding the tenants request to allow access to the “outbuilding” also known as the garage/shed was due to a miscommunication. Both parties agreed that the “outbuilding” was secured due to an order issued by the local Fire Marshall for safety reasons in a letter dated January 15, 2020. On this basis, the tenants were referred to the local Fire Marshall for a request to gain access to the “Outbuilding”.

In order to implement the above settlement reached between the parties, I issue an Order of Possession to be used by the landlord if the tenants fail to vacate the rental premises in accordance with their agreement by 1:00 pm on November 1, 2020. The landlord is provided with this order in the above terms and the tenant(s) must be served with this Order in the event that the tenants do not vacate the premises by the time and date set out in their agreement. Should the tenants fail to comply with this Order, the 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: April 27, 2020

Residential Tenancy Branch