



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, CNQ, OLC, MT

Introduction

This hearing was convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act (Act). The tenant applied:

- an order cancelling the landlord's 2 Month Notice to End Tenancy for Landlord's Use of the Property;
- an order cancelling the landlord's 2 Month Notice to End Tenancy because the tenant ceases to qualify for the rental unit;
- an order extending the time to file an application disputing the Notices issued by the landlord; and
- an order requiring the landlord to comply with the Act.

The landlords were present at the start of the hearing and the tenant joined in the hearing seven minutes later.

I note that the landlord submitted without dispute that she had not received the tenant's application or the hearing package, containing the hearing information and instructions. The landlord explained that she became aware of this hearing via an email from the Residential Tenancy Branch (RTB).

After a brief discussion, a mediated discussion ensued and the parties agreed to resolve this matter and that I would record their settlement.

Settled Agreement

The tenant and the landlord agreed to a mutual settlement under the following terms and conditions:

1. The tenant agrees to vacate the rental unit by 1:00 p.m. on April 30, 2020;
2. The tenant understands the landlord will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenant fails to vacate the rental unit by 1:00 p.m., April 30, 2020, the landlord may serve the order of possession on the tenant for enforcement purposes; and
3. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the tenant's application and that no finding is made on the merits of the said application for dispute resolution or the landlord's Notice.

Conclusion

The tenants and the landlord have reached a settled agreement.

Based upon the settled agreement as outlined above, I provide the landlord with an order of possession for the rental unit in the event the tenant fails to vacate the rental unit by April 30, 2020, at 1:00 p.m.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

As the parties resolved matters by agreement, I make no findings of fact or law with respect to the merits of this application.

This decision containing the recorded settlement of the parties 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