



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M, FFT (March 17, 2020 Application)
CNL, FFT (April 6, 2020 Application)

Introduction

This hearing convened as a result of two Applications filed by the Tenant. In the first Application filed by the Tenant on March 17, 2020, the Tenant sought to cancel a 4 Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit, issued on February 26, 2020 (the “4 Month Notice”) as well as recovery of the filing fee. In the Tenant’s Application filed on April 6, 2020, the Tenant sought to cancel a 2 Month Notice to End Tenancy for Landlord’s Use, issued on March 14, 2020 (the “2 Month Notice”) as well as to recover the filing fee.

The hearing of the Tenant’s Applications was scheduled for teleconference at 11:00 a.m. on May 14, 2020. Both the Tenant and the Landlord (the “parties”) called into the hearing. The hearing process was explained and the parties were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Settlement and Conclusion

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement are recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* (the “Act”) and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement, I make no findings of fact or law with respect to their relative claims.

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.

The terms of their settlement follow.

Settlement and Conclusion

1. The parties agree the Landlord may withdraw the 4 Month Notice.
2. The Tenant accepts the 2 Month Notice and agrees to vacate the rental unit. The parties agree that the Tenant shall vacate the rental unit by no later than 1:00 p.m. on July 31, 2020.
3. The Landlord is granted an Order of Possession effective 1:00 p.m. on July 31, 2020. The Landlord must serve the Order on the Tenant as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
4. Pursuant to section 51(2) of the *Act* and the 2 Month Notice, the Tenant shall be entitled to a free months' rent and shall not be expected to pay rent for July 2020.
5. The Tenant shall recover the filing fee she paid for both Applications and to this end shall reduce her June rent by the sum of \$200.00 pursuant to section 72 of the *Act*.
6. The Tenant is at liberty to apply for further monetary compensation pursuant to section 51(2) of the *Act* should the Landlord not use the rental property for the purpose stated on the 2 Month Notice.

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: May 14, 2020

Residential Tenancy Branch