



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding JDC Property Management Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order cancelling a One Month Notice to End Tenancy for Cause (Notice) issued by the landlord to the tenant.

The tenant, her legal advocate/counsel and the landlord's agent (landlord) attended, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process.

The parties confirmed receiving the other's evidence.

Thereafter both parties were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

Near the conclusion of the hearing, a mediated discussion ensued and the parties agreed to resolve the issues of the tenant's application and that I would record their settlement.

As a preliminary issue, the other two tenants listed in the tenant's application were her minor children, who appear as occupants on the written tenancy agreement. I therefore find it necessary to amend the tenant's application and exclude the names of the tenant's two minor children from being named in this Decision and order of possession of the rental unit.

Settlement and Conclusion

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 or before July 31, 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., July 31, 2020, the landlord may serve the order of possession on the tenant for enforcement purposes;
3. The parties agree that they will continue to seek a resolution to the issues which led to the issuance of the Notice; and
4. 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.

For the purposes of the terms of settlement, the parties are aware of the following:

Orders of Possession issued pursuant a One Month Notice to End Tenancy for Cause cannot be enforced until such time as the ORDER OF THE MINISTER OF PUBLIC SAFETY AND SOLICITOR GENERAL, Emergency Program Act, Ministerial Order No. M089, expires or is cancelled.

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.

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.

This decision containing the parties settled agreement 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 5, 2020

Residential Tenancy Branch