



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, CNC, LRE, OLC, FF

Introduction

This was a cross-application hearing for Dispute Resolution under the *Residential Tenancy Act* (“the Act”). The matter was set for a conference call hearing.

On July 21, 2020, the Tenants applied to cancel a One Month Notice to End Tenancy for Cause; for an order that the Landlord comply with the Act, Regulation or tenancy agreement; to suspend or set conditions on the Landlords’ right to enter the unit, and to recover the cost of the filing fee.

On July 28, 2020, the Landlord applied requesting an order of possession based on a One Month Notice to End Tenancy for Cause dated July 10, 2020, and to recover the cost of the application fee.

The matter was set as a teleconference hearing. The Landlord and Tenants were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to present affirmed oral testimony and to make submissions during the hearing. The parties confirmed that they exchanged the evidence before me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

The tenancy began in March 2007 when the tenant moved onto the rental property and began paying rent to the owner. On December 16, 2019 the rental property was sold,

and the new owner inherited the Tenant and the existing terms of the tenancy agreement. The Tenants rent had lowered to \$300.00 per month and then down to zero. At that time of the sale, the tenancy agreement provided that the Tenant was the caretaker of the rental property and paid no rent. The Tenant was to maintain the property and pay the amount of the yearly taxes. The new owner inherited these terms and conditions and testified that she was aware of the tenancy arrangement when she purchased the property.

Based on the testimony and evidence of the parties I find that the Act applies to this contractual arrangement. The Tenant pays monthly rent in the form of maintenance and care-taking responsibilities.

Settlement Agreement

During the hearing, the parties agreed to settle this dispute, on the following conditions:

1. The parties agreed that the tenancy will end on **November 1, 2020.**
2. The parties agreed that the Landlord is granted an order of possession effective **November 1, 2020, at 1:00 p.m.**
3. The Landlord withdraws the One Month Notice to End Tenancy for Cause dated July 10, 2020 as part of this mutually settled agreement.
4. The Landlord withdraws the application for an order of possession.
5. The Tenant withdraws his application to dispute the One Month Notice dated July 10, 2020 as part of this mutually settled agreement.

This settlement agreement was reached in accordance with section 63 of the Act. The opportunity for settlement was discussed with the parties during the hearing. The parties were advised there is no obligation to resolve the dispute through settlement, but that I could assist the parties to reach an agreement. I indicated that if either party did not wish to resolve this matter through a mutually agreed settlement, I was prepared to hear their evidence and make a decision.

Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above.

The Landlord has been granted an order of possession effective November 1, 2020, at 1:00 p.m. For enforcement, this order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: August 25, 2020

Residential Tenancy Branch