



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1149023 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes For the landlord: OPC, OPN
For the tenants: CNC, FFT

Introduction

This was a cross application hearing that dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an order of possession under a One Month Notice to End Tenancy for Cause pursuant to sections 47 and 55 of the *Act*; and
- an order of possession under a tenant's notice to end tenancy, pursuant to sections 45 and 55 of the *Act*.

This hearing also dealt with the tenants' application pursuant to the *Act* for:

- cancellation of the One Month Notice to End Tenancy for Cause, pursuant to section 47 of the *Act*; and
- an authorization to recover the filing fee for this application, pursuant to section 72 of the *Act*.

Both parties attended the hearing. The landlord was represented by agent LS. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

As both parties were present service was confirmed. The parties each confirmed receipt of the application and evidence (the materials). Based on the testimonies I find that each party was served with the respective materials in accordance with sections 88 and 89 of the *Act*.

The landlord is named as 'AL' in the tenants' application. The landlord explained both AL and LS work together and represent the same landlord, which is named in the landlord's application.

Preliminary Issue – Amendment

At the outset of the hearing both parties corrected the tenancy and tenants' addresses. Pursuant to section 64(3)(a) of the *Act*, I have amended the tenants' application.

Settlement

Pursuant to section 63 of the Act, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute regarding this application only.

Both parties agreed to the following final and binding settlement of all issues listed in both applications for dispute resolution:

- The tenants agree to provide the landlord with vacant possession of the subject rental property by 1:00 P.M. on September 30, 2020.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the landlord, which is to take effect by 1:00 P.M. on September 30, 2020. The landlord is provided with this order in the above terms and must serve it on the tenant as soon as possible in accordance with the Act. If the tenant fails to comply with this Order, this 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: September 01, 2020

Residential Tenancy Branch