



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **LRE, CNL, FFT**

### Introduction

The words tenant and landlord in this decision have the same meaning as in the Act, and the singular of these words includes the plural.

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order to suspend a landlord's right to enter the rental unit pursuant to section 70;
- An order to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property pursuant to section 49; and
- Authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenants MD and RC attended the hearing and were represented by the co-tenant, RC ("tenant"). The landlord attended the hearing and was represented by his counsel, NM. As both parties were in attendance, service of documents was confirmed. The landlord confirmed receipt of the tenant's application for dispute resolution and the parties acknowledged the exchange of evidence and stated there were no concerns with timely service of documents. Both parties were prepared to deal with the matters of the application.

### Settlement Reached

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. I advised the parties on several occasions that there is no obligation to resolve the dispute through settlement and that if either party did not wish to resolve this matter through settlement, I was prepared to make a decision based on the evidence before me. During the

hearing the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The parties agree to a mutual agreement to end the tenancy. This tenancy will end at 1:00 p.m. on October 31, 2020 by which time the tenants and any other occupant will have vacated the rental unit.
2. The rights and obligations of the parties continue until the tenancy ends.
3. The Two Month's Notice to End Tenancy for Landlord's Use is cancelled and of no further force or effect.
4. The tenants retain the right to seek compensation pursuant to section 51(2) of the Act if the landlord does not take steps within a reasonable period after October 31, 2020 to accomplish the stated purpose for ending the tenancy or use the rental unit for the stated purpose for at least 6 months duration beginning within a reasonable period after October 31, 2020.
5. The tenants agree that the landlord is entitled to a monetary order in the amount of \$5,500.93 which represents rent and utilities for the month of August 2020 and rent for the month of October 2020. Rent for the month of September 2020 is deemed paid in accordance with section 51(1) of the Act. The landlord retains the right to file an Application for Dispute Resolution seeking compensation for any unpaid utilities after October 31, 2020.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

The decision to order payment of the filing fee is discretionary upon the arbitrator and in accordance with section 72 of the Act, the filing fee will not be recovered.

Conclusion

In order to implement the above settlement reached between the parties and as discussed with them at the hearing, I issue a monetary Order in the landlord's favour in the amount of \$5,500.93.

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue an Order of Possession to the landlord. The landlord is to serve this Order of Possession upon the tenants immediately and enforce it as early as 1:00 p.m. on October 31, 2020, should the landlord be required to do so.

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 03, 2020

---

Residential Tenancy Branch