



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC OPC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing, by teleconference, was held on September 8, 2020. The Tenant applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

The Landlord and the Tenant both attended the hearing. All parties provided affirmed testimony. Both parties confirmed receipt of each others evidence and did not take issue with the service of these documents.

Settlement Agreement

During the hearing, a mutual agreement was discussed and the Tenant agreed to withdraw his application to cancel the 1-Month Notice as long as he could have some extra time to move out, which the Landlord agreed to. Both parties agreed to the withdrawal of the Notices (10 Day and 1 Month Notices) issued thus far. Both parties also agreed to not pursue any monetary claims for compensation against the other party.

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.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

- The Tenant will move out of the rental unit by **October 31, 2020, at 1pm.**
- The Landlord cancels the One Month Notice, issued on July 23, 2020, as well as any other Notices to End Tenancy issued thus far.
- The Tenant withdraws his application in full.
- Both parties confirmed that they will not seek any monetary compensation from the other party. The Landlord specifically noted that he will not seek monetary compensation for damage to the unit, as he is more interested in getting possession of the rental unit back.
- These terms comprise the full and final settlement of all aspects of this dispute for both parties.

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.

To give effect to the settlement reached by the parties, I also grant the Landlord an Order of Possession effective October 31, 2020, at 1pm to reflect the end of tenancy.

Conclusion

In support of the agreement described above, the landlord is granted an order of possession effective October 31, 2020, at 1pm and after service on the tenant. The Landlord may serve and enforce this Order if the Tenant fails to move out as specified above.

This Order **must** be read in conjunction with the above settlement agreement and the Landlord **must not** seek to enforce this Order on the Tenants, unless the Tenants fail to meet the conditions of this agreement.

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 08, 2020

Residential Tenancy Branch