



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, FFT

### Introduction

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

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing via conference call and provided testimony.

At the outset, the tenants' advocate and counsel for the landlord stated that a settlement had been reached and that they request the arbitrator to record this settlement in this decision.

Section 63 of the Residential Tenancy Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the two parties during the hearing led to a resolution. Specifically, it was agreed as follows:

The landlord agrees to cancel the Notice to End Tenancy dated July 14, 2020.  
The landlord also agrees to withdraw the Application for Dispute regarding the Notice to End Tenancy scheduled for October 8, 2020 (file number recorded on the cover of this decision).

The tenants agree to cancel the Application for Dispute.

Both parties agreed to mutually end the tenancy on September 30, 2020 at 1:00 pm, by which time the tenants will have vacated the rental unit.

Both parties agreed that the landlord will pay to the tenants \$850.00 (equal to 1 months of rent, recovery of the filing fee and a doctor's fee) which both parties agreed constituted a final and binding resolution of all monetary issues under dispute in both of their applications for dispute resolution. Payment to be made via the landlord's counsel to the tenants' advocate office by cheque no later than September 25, 2020 by mail.

Both parties also agreed to a scheduled Condition Inspection Report for the Move-Out on September 30, 2020 at 7:00pm.

Both parties agreed that the above noted particulars comprised a full and final settlement of all aspects of the dispute arising from their applications for dispute resolution.

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.

In order to implement the above settlement reached between the parties, I issue an Order of Possession to be used by the landlord if the tenants fail to vacate the rental premises in accordance with their agreement by 1:00 pm on September 30, 2020. The landlord is provided with this order in the above terms and the tenant(s) must be served with this Order in the event that the tenants do not vacate the premises by the time and date set out in their agreement. Should the tenants fail to comply with this Order, the Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

In order to implement the above settlement reached between the parties, I issue a monetary order in the tenants' favour in the amount of \$850.00. I deliver this Order to the tenants in support of the above agreement for use in the event that the landlord does not abide by the terms of the above settlement. The tenants are provided with this Order in the above terms and the landlord must be served with a copy of this Order as soon as possible after a failure to comply with the terms of the above settlement agreement. Should the landlord fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as Orders of that Court.

As the matter of the security deposit for this tenancy was not discussed by the parties at this hearing, the parties are bound by the provisions of the Act with respect to the return of any security deposit or pet damage deposit that is held by the landlord(s).

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 14, 2020

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Residential Tenancy Branch