



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M, OLC

Introduction

This hearing dealt with the tenant's 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;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62.

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

At the outset, the tenant's advocate stated that a mutual resolution was close to being reached. The landlords' confirmed this stating that there were a few items that needed to be clarified.

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:

Both parties agreed to mutually end the tenancy on October 14, 2020 at 1:00pm, by which time the tenant will have vacated the rental unit.

The landlords agreed to withdraw the 2 Month Notice to End Tenancy for landlords' use dated July 21, 2020.

The tenant agrees to cancel the application for dispute filed August 9, 2020.

Both parties agreed that the tenant is not required to pay rent for the last month for the period beginning September 15, 2020 as her compensation in complying with the above end of tenancy settlement.

Both parties agreed that the \$250.00 security deposit paid shall be divided and the landlord shall pay to the tenant \$125.00 on October 14, 2020 and the tenant shall forfeit the remaining \$125.00 for utility arrears, which both parties agreed constituted a final and binding resolution of all monetary issues under dispute in this application for dispute resolution.

Both parties also agreed that in the event the tenant cannot remove all of her personal property from the rental unit by October 14, 2020, the tenant agrees to move these items into the basement storage room for a period of up to two weeks. Both parties agreed that the tenant shall return the rental unit keys to the landlord on October 14, 2020 as part of this agreement. Both parties also agreed that the tenant shall notify the landlord in advance to request access to remove these items.

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 October 14, 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 tenant does not vacate the premises by the time and date set out in their agreement. Should the tenant 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 tenant's favour in the amount of \$125.00. I deliver this Order to the tenant in support of the above agreement for use in the event that the landlord(s) do not abide by the terms of the above settlement. The tenant is provided with this Order in the above terms and the landlord(s) 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(s) fail to comply with this Orders, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as Order of that Court.

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 21, 2020

Residential Tenancy Branch