



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE, FFT

Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a one month notice to end tenancy - Section 47;
2. An Order restricting the Landlord’s entry - Section 70; and
3. An Order to recover the filing fee for this application - Section 72.

Both Parties attended the conference call hearing. At the onset, both Parties indicated their desire to reach an agreement to resolve the dispute and during the Hearing did reach a settlement agreement. 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.

Submitted and Agreed Facts

The Landlord served the Tenants with a notice to end tenancy for cause with an effective date of September 30, 2020. The Landlord also served the Tenants with another notice to end tenancy for cause with an effective date of October 31, 2020 (the “Second Notice”). The Landlord served the Tenants with a 10-day notice to end tenancy for unpaid rent however the rent was paid as required by this notice and this notice is no longer effective.

Settlement Agreement

The Parties mutually agree as follows:

- 1. The tenancy will end at 1:00 p.m. on December 31, 2020;**
- 2. The Second Notice is withdrawn and no longer effective;**
- 3. The Landlord will adhere to the required notice provisions of the Act if the Landlord seeks attendance or entry on the rental property; and**
- 4. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Section 63 of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order. Given the mutual agreement reached during the hearing, I find that the Parties have settled their dispute as recorded above. In order to give effect to the agreement I grant the Landlord an order of possession to be effective 1:00 p.m. on December 31, 2020 and I give the Tenants leave to reapply for compensation if the Landlord attends the property without following the requirements under the Act. As the Parties have reached an agreement, I dismiss the Tenant's claim for recovery of the filing fee.

Conclusion

The Parties have settled the dispute.

I grant the Landlord an **Order of Possession** effective 1:00 p.m. on December 31, 2020. The Tenants must be served with this **Order of Possession**. Should the Tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an 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 Act.

Dated: October 09, 2020

Residential Tenancy Branch