



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

The landlord's agent (the landlord) and Tenant L.H. (the tenant) attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

Preliminary Matter

During the course of the hearing, the landlord requested to have their business name amended to reflect the actual name of the landlord as reflected on the Two Month Notice dated September 25, 2020. In accordance with section 64 (3)(c) of the Act, I have amended the Tenant's Application for Dispute Resolution to reflect the landlord's business name as shown on the Two Month Notice.

Issue(s) to be Decided

Should the Two Month Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

Are the tenants entitled to recover the filing fee for this application from the landlord?

Analysis

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. During this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of the tenant's application and the issues in dispute arising out of this tenancy at this time and that they did so of their own free volition and without any element of coercion:

1. The landlord and the tenant agreed that this tenancy will end at 1:00 p.m. on December 31, 2020;
2. Both parties agreed that these particulars comprise the full settlement of all aspects of the tenants' current application arising out of the Two Month Notice dated September 25, 2020.

Conclusion

In order to give effect to the above settlement, I grant an Order of Possession to the landlord **to take effect by 1:00 p.m. on December 31, 2020, after service of this Order** on the tenant.

Should the tenants or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: December 22, 2020

Residential Tenancy Branch