



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL-4M, FFT

### Introduction

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

- cancellation of the landlords' Four Month Notice to End Tenancy the "Four-Month Notice") for demolition of the rental unit, pursuant to section 49 of the *Act*; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlords and two of four named tenants attended the hearing, and each had the full opportunity to be heard on this matter. Both parties confirmed they received the prepared evidence of the other in advance of the hearing. On this basis, the hearing proceeded.

### Settlement

The *Act* section 63 allows the Arbitrator in a hearing to assist the parties to settle their dispute; this settlement may be recorded in the form of a decision and orders. During the hearing, the landlord proposed a settlement of the matter, in line with the original end of tenancy date of the fixed term tenancy, as it appears in the tenancy agreement.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. Both parties agreed that the tenancy will end on the final date of the fixed-term tenancy as provided in the original tenancy agreement – this is April 30, 2021.

2. The landlords agreed to the tenants' withholding \$100 from the February 2021 rent amount, as recompense to the tenants for the Application filing fee.
3. The tenants agreed that this settlement agreement constitutes a final and binding resolution to their application at this hearing.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties affirmed at the hearing that they understood and agreed to the above terms. Both parties understand that these terms above are legal, final, binding and enforceable, which settle all aspects of this dispute.

### Conclusion

The landlord's Four-Month Notice issued on September 30, 2020 is cancelled, and of no force or effect.

To give effect to the settlement reached between the parties, I issue the attached Order of Possession to be used by the landlords only if the tenants and any other occupants fail to vacate the rental premises by 1:00 p.m. on April 30, 2021. The tenants must be served with this Order in the event they and any other occupants fail to vacate. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The tenants are free to withhold \$100 from the February 2021 rental amount.

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: January 15, 2021

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Residential Tenancy Branch