



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC-MT

Introduction

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

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the "**Notice**") pursuant to section 47; and
- more time to make an application to cancel the Notice pursuant to section 66.

The tenant attended the hearing. He was represented by an advocate ("**CW**") and assisted by a social worker ("**JG**"). The landlord was represented at the hearing by its Chief Financial Officer ("**CS**"), property manager ("**DC**") assistant property manager ("**KB**") and building manager ("**TO**"). All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Settlement

Pursuant to section 63 of the Act, an 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 the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute. Whereas the tenant is currently hospitalized, and his discharge date is not known:

1. The parties agree that the tenancy is terminated effective May 18, 2021 at 1:00 pm.
2. The landlord is entitled to vacant possession of the rental unit as of May 18, 2021 at 1:00 pm.
3. The landlord will not enforce its right to vacant possession of the rental unit until at least three weeks (21 days) after the tenant has been discharged from his current hospital stay.

4. During this three-week period, the tenant may have access to the rental unit for the purposes of removing his possessions. He may not reside in the rental unit during this time.
5. The tenant, or his designate, will inform the landlord of the date he will be discharged from the hospital as soon as he becomes aware of it.

These particulars comprise the full and final settlement of all aspects of this dispute. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of this dispute between them.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached order of possession which orders that the tenant provide vacant possession of the rental unit to the landlord by 1:00 pm on May 18, 2021

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: May 17, 2021

Residential Tenancy Branch