



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNL (tenant), OPL (landlord)**

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- Cancellation of a Two Month Notice to End Tenancy for Landlord's use ("Two Month Notice") pursuant to section 49;

This hearing also dealt with an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- An order of possession under a Two Month Notice to End Tenancy for Landlord's Use ("Two Month Notice") pursuant to sections 49 and 55.

Attendance

The hearing was held by teleconference and lasted 24 minutes.

FH, agent, attended with the tenant. The landlord attended. Both parties had opportunity to provide affirmed testimony, present evidence and make submissions. The hearing process was explained.

Service

No issues of service were raised regarding the Notice of Hearing and the evidentiary package, I find each party served the other party as required under the *Act*.

Settlement

Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order. This settlement agreement was reached in accordance with section 63.

The tenant explained that he called into the hearing from Pakistan and that he was unable to return to vacate the unit because of temporary pandemic travel restrictions between Canada and Pakistan. The tenant therefore requested additional time to vacate the unit.

Consequently, the landlord consented to the tenant's request for vacant possession on August 31, 2021, effectively providing the tenant with 6 months notice to vacate.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their disputes and the following records this settlement as a Decision:

The parties agreed as follows:

1. The tenancy between the parties will end at 1:00 PM on August 31, 2021, by which time the tenant and any other occupants will return vacant possession of the rental unit to the landlord.

In support of this settlement and with the agreement of both parties, I grant the landlord the following:

1. Order of Possession pursuant to section 55(2)(d) of the *Act* effective 1:00 PM on August 31, 2021.

The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the *Act*. Should either party violate the terms of this agreement, the tenancy agreement, or the *Act*, it is open to the other party to take steps under the *Act* for an appropriate remedy.

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.

Based on the above, I find that all matters between these parties raised in this application are resolved pursuant to the above agreed terms.

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: June 14, 2021

Residential Tenancy Branch