



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes**      CNQ

### **Introduction**

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") to cancel the Two Month Notice to End Tenancy Because the Tenant Does not Qualify for Subsidized Rental Unit (the "**Notice**") pursuant to section 49.1.

Tenant SP and the landlord attended the hearing. The tenant was assisted by her father, BP. All parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

### **Preliminary Issue – Removal of Tenants as Parties**

At the outset of the hearing, SP advised me that all the named tenants other than herself were her children and were not properly parties to this application. The landlord agreed. Accordingly, I order that the application be amended to remove as parties all tenants, other than SP (hereinafter referred to as the "**tenant**"), from this application.

### **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.

Whereas the tenant will apply for joint custody of her children in November 2021, both parties agreed to the following final and binding settlement of all issues currently under dispute:

1. Starting August 1, 2021, the tenant will pay market rent for the rental property of \$1,400.
2. The tenant will pay market rent until November 2021.

3. If the tenant is successful in obtaining joint custody of her children, the tenant may remain living in the rental unit, and her rent will be reduced to its subsidized level.
4. If the tenant is not successful in obtaining joint custody of her children, the tenant must vacate the rental unit no later than December 31, 2021.
5. The tenant must provide a copy of the decision or order issued by the court relating to her joint custody application as soon as possible after receiving. If she does not receive it in November 2021, she must advise the landlord of this before the end of November, and, if possible, provide an estimate of when she expects to receive 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 December 31, 2021. At the hearing, the landlord agreed not to enforce this order, if the tenant has obtained joint custody of her children prior to its effective date.

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: July 19, 2021

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Residential Tenancy Branch