



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, OLC, MNDCT, CNC, LRE

### Introduction

This hearing dealt with the tenants two applications pursuant to the *Residential Tenancy Act* (the “Act”) for:

- cancellation of the landlord’s 2 Month Notice to End Tenancy for Landlord’s Use of Property (the 2 Month Notice) pursuant to section 49;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;

and

- cancellation of the landlord’s 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order to suspend or set conditions on the landlord’s right to enter the rental unit pursuant to section 70;

Both parties attended the hearing via conference call and provided testimony.

At the outset, the tenants requested an adjournment. The tenant, W.C. stated that she was not feeling well due to a fever and that her co-tenant was not prepared to go ahead in her absence as she was the one organizing and preparing for the dispute hearing. The landlords argued against an adjournment as they feel the tenants have caused substantial delays by serving evidence 1 day prior to the hearing date. The tenants stated that they have been preparing to vacate the rental unit and will be moving in 3 days on July 31, 2021.

Extensive discussions took place to clarify the tenants' two applications for dispute. The tenants' requests for:

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70.

were confirmed by the tenants to be unrelated to the two notice(s) to end tenancy. As such pursuant to Rules of Procedure 2.3, Unrelated Issues, these 3 requests are dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

The hearing shall proceed on the tenants' applications to:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

Section 63 of the Residential Tenancy Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the two parties during the hearing led to a resolution. Specifically, it was agreed as follows:

Both parties agreed to mutually end the tenancy on July 31, 2021, at 2:30pm by which time the tenants will have vacated the rental unit.

The tenants agreed to cancel the two applications for dispute filed.

The landlords agreed to withdraw the 1 Month Notice for Cause and the 2 Month Notice to End Tenancy for Landlord's Use of Property.

Both parties also agreed that as part of this settlement the landlords shall apply the 1 months' compensation of rent regarding the 2 months notice to July 2021 rent. The tenants do not owe any rent for July 2021.

Both parties agreed that the above noted particulars comprised a full and final settlement of all aspects of the dispute arising from their applications for dispute resolution.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

In order to implement the above settlement reached between the parties, I issue an Order of Possession to be used by the landlord if the tenants fail to vacate the rental premises in accordance with their agreement by 2:30 pm on July 31, 2021. The landlord is provided with this order in the above terms and the tenant(s) must be served with this Order in the event that the tenants do not vacate the premises by the time and date set out in their agreement. Should the tenants fail to comply with this Order, the 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: July 29, 2021

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Residential Tenancy Branch