



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code CNC

Introduction

The tenants applied to dispute a One Month Notice to End Tenancy for Cause (the "Notice") pursuant to section 47(4) of the *Residential Tenancy Act* ("Act"). One of the tenants and a landlord attended the hearing on September 2, 2021 at 11:00 AM.

Settlement Agreement

At the start of the hearing a few questions were canvassed with the parties. The tenant explained that they were in the process of moving out. They further explained that they had no intention of staying and that they would need a few days to get everything out. (They are making lengthy road trips through forest fire-affected areas, which is adding to the time needed to vacate.)

It was proposed to the parties that if the tenants agreed to vacate the property by midnight on Friday, September 10, 2021, then a hearing would not be necessary and that an order of possession could be issued to the landlords. The parties were in agreement with this proposal.

It should be noted that section 63 of the Act permits an arbitrator to assist the parties or offer the parties an opportunity to settle their dispute. If the parties settle their dispute during the hearing, the settlement is recorded in the form of a decision and an order.

The parties agreed to settle this matter as follows:

1. that the tenancy will end on Friday, September 10, 2021 at 11:59 PM.
2. that the landlords are entitled to an order of possession effective Saturday, September 11, 2021 at 12:00 AM.

As an aside, the landlord was instructed to make a separate application for dispute resolution if the landlords intend to pursue compensation against the tenants. As explained, the landlords' current application (which appears to be an application for an order of possession under section 56 of the Act) cannot be joined with this application, as the parties are in fact in dispute. (That is, a "joined" application is made by another party who sits on the same side of dispute.) To summarize, the landlords may, if they wish to seek compensation from the tenant, file a new application for dispute resolution seeking any such compensation.

Conclusion

I order the parties to comply with the terms of the settlement agreement as set out above.

In support of this settlement agreement, I grant the landlords an order of possession effective at 12:00 AM on Saturday, September 11, 2021. It is strongly recommended that the landlords serve a copy of this order of possession (which the tenants do not receive with this decision) on one or both of the tenants as soon as possible.

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: September 2, 2021

Residential Tenancy Branch