



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing, by teleconference, was held on October 8, 2021. The Tenant applied to cancel two different 2 Month Notices to End Tenancy, pursuant to the *Residential Tenancy Act* (the "Act").

The Landlord and the Tenant both attended the hearing. All parties provided testimony.

Settlement Agreement

Pursuant to section 63 of the *Act*, the 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.

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

- The Tenant will move out of the rental unit by **October 15, 2021, at 1pm.**
- Both parties agree to cancel the 2 Month Notice dated June 8, 2021, and agree that it has no force or effect.
- Both parties agree that the tenancy is ending by way of the second 2 Month Notice, dated August 28, 2021. The parties agree that the August 28, 2021, 2 Month Notice is not cancelled, and that the tenant is moving out as a result of this Notice. The parties agree to modify the effective date of the second 2 Month Notice to be October 15, 2021, rather than October 31, 2021.

- Both parties agree that this agreement does not alter any compensation due under section 51 of the Act, nor does it modify the rights and responsibilities that come along with a Notice under section 51.
- These terms comprise the full and final settlement of all aspects of this dispute for both parties.

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.

Conclusion

In support of the agreement described above, the landlord is granted an order of possession effective October 15, 2021, at 1pm and after service on the Tenant. The Landlord may serve and enforce this Order if the Tenant fails to move out as specified above.

This Order **must** be read in conjunction with the above settlement agreement and the Landlord **must not** seek to enforce this Order on the Tenant, unless the Tenant fails to meet the conditions of this agreement.

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: October 08, 2021

Residential Tenancy Branch