



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- cancellation of the Two Month Notice to End Tenancy for Landlord's Use of Property (the "**Notice**") pursuant to section 49; and
- an order that the landlord comply with the Act, regulation or tenancy agreement pursuant to section 62.

All parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlord was represented by two lawyers ("**KA**" and "**DD**").

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.

Both parties agreed to the following final and binding settlement of all issues currently under dispute:

1. The tenants will vacate the rental unit on or before November 30, 2021 at 1:00 pm.
2. If the tenants vacate the rental unit by November 30, 2021, the landlord will waive entitled to:
 - a. Any rental arrears currently owing by the tenants; and
 - b. Any damages he has incurred as the result of the tenants not vacating the rental unit since the effective date of the Notice.
3. The tenants may remove the following appliances from the rental unit:
 - a. Refrigerator;
 - b. Stove;
 - c. Washer; and
 - d. Dryer.
4. The tenants must leave the hot water tank and the shop's garage door.

5. As compensation for the shop garage door, the landlord will pay the tenants \$300 upon their providing the landlord with vacant possession of the rental unit.

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 tenants provide vacant possession of the rental unit to the landlord by 1:00 pm on November 30, 2021.

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 29, 2021

Residential Tenancy Branch