



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNL**

Introduction

This hearing dealt with the Tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for cancellation of the Landlord's Two Month Notice to End Tenancy for Landlord's Use of Property pursuant to Section 49 of the Act.

The hearing was conducted via teleconference. The Landlord, RJ and the Landlord's legal counsel, KK, and both Tenants attended the hearing at the appointed date and time and provided affirmed testimony.

Settlement

At the outset of the hearing, KK advised that the parties had reached a settlement and had uploaded the settlement agreement with the Landlord's documentary evidence. Both parties confirmed that they wanted the settlement terms recorded in the form of a decision after the hearing.

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.

The parties agreed to settle this matter as follows:

1. The Landlord shall allow the Tenants to occupy the rental unit until November 30, 2021.
2. The Tenants shall vacate the rental unit by no later than 6:00 p.m. on November 30, 2021.
3. The second rent payment for November, in the amount of \$425.17, shall not be payable by the Tenants on the condition that they vacate the rental unit on, or before, November 30, 2021.

4. If the Tenants vacate the rental unit on, or before, November 30, 2021, the Landlord shall pay to the Tenants, within 48 hours of their vacating the rental unit, the following amounts:
 - a. \$425.17, representing a refund of the first installment of the November rent; and,
 - b. \$400.00, representing the security deposit paid by the Tenants.
5. The Tenants consent to an Order of Possession being granted in favour of the Landlord, entitling the Landlord to exclusive occupation of the rental unit commencing December 1, 2021.

The parties' rights and obligations under the Act and the tenancy agreement continue until the tenancy ends in accordance with this agreement. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

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

In support of the settlement, and with the agreement of the parties, I grant the Landlord an Order of Possession, which will be effective on November 30, 2021, at 6:00 p.m. The Order may be filed in and enforced as an Order of the British Columbia Supreme Court

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: November 10, 2021

Residential Tenancy Branch