



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **TT: CNL, OLC, LRE, FFT**  
                             **LL: OPL**

### Introduction

This hearing dealt with two applications pursuant to the *Residential Tenancy Act* (the “Act”). The Tenant made one application for:

- cancellation of a Two Month Notice to End Tenancy for Landlord’s Own Use of Property dated June 30, 2021 (“2 Month Notice”) pursuant to section 49;
- an order that the Landlord comply with the Act, Residential Tenancy Regulations (“Regulations”) or tenancy agreement pursuant to section 62;
- an order restricting the Landlord’s right to enter the rental unit pursuant to section 70; and
- authorization to recover the filing fee from the Landlord pursuant to section 72.

The Landlord made one application for:

- an Order of Possession for Landlord’s use of the residential property pursuant to section 55.

The Landlord MD, the Landlord’s son RD and the Tenant attended the hearing. They were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

### Settlement Agreement

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.

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

1. The Landlord agrees to the cancellation of the 2 Month Notice;
2. The Tenant must vacate the rental unit not later than 1:00 pm on February 28, 2022;
3. The Tenant may end the tenancy before February 28, 2022 by serving the Landlord with a written notice pursuant to section 45(1) of the Act;
4. The Tenant will pay rent to the Landlord for each month until the tenancy is ended in accordance with this settlement;
5. The Tenant withdraws her application; and
6. The Landlord will give the Tenant at least three days written notice prior to entering the rental unit pursuant to section 29 of the Act.

These particulars comprise the full and final settlement of all aspects of the Landlord's and Tenant's dispute against each other. 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 full and final settlement of all the claims set out in their respective applications, I make no factual findings about the merits of their applications.

I hereby order that the 2 Month Notice to End Tenancy to be cancelled and of no force or effect.

To give effect to the settlement reached between the parties, and as discussed at the hearing, the Landlord is provided with an Order of Possession effective at 1:00 pm on February 28, 2022 after service of this Order on the Tenant. This Order must be served on the Tenant by the Landlord. Should the Tenant or anyone on the premises fail to comply with this Order, this 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: November 10, 2021

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Residential Tenancy Branch