



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 tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the tenant and the landlord.

I note that because this is an Application for Dispute Resolution submitted by the tenants seeking to cancel a notice to end tenancy issued by the landlord, Section 55 of the *Residential Tenancy Act (Act)* requires I issue an order of possession to the landlord if the landlord's notice complies Section 52 of the *Act* and I either dismiss the tenant's application or uphold the landlord's notice to end tenancy.

Issue(s) to be Decided

The issues to be decided are whether the tenants are entitled to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property, pursuant to Section 49 of the *Act*.

Should the tenants fail to succeed in cancelling the Two Month Notice to End Tenancy for Landlord's Use of Property it must be determined if the landlord is entitled to an order of possession, pursuant to Sections 52 and 55 of the *Act*.

Background and Evidence

At the outset of the hearing, I asked the parties to concern the possibility of reaching an agreement on ending the tenancy. I made this offer, in part, because of the wording of the tenant's Application, in which she stated she would require 2 to 6 months to find suitable accommodation. The parties discussed a number of options and settled on the following terms:

1. The parties agree the tenancy will end and the tenant will vacate the rental unit on or before January 31, 2022;
2. The parties agree the tenant remains entitled to compensation in the amount equivalent to 1 month's rent as would be allowed had the tenancy ended in accordance with the 2 Month Notice to End Tenancy;
3. The parties agree the tenant will receive the compensation through not having to pay rent for the last month of the tenancy (January 2022); and
4. The 2 Month Notice to End Tenancy for Landlord's Use of Property is cancelled.

Conclusion

Based on the above settlement and with agreement of both parties, I grant the landlord an order of possession effective **January 31, 2022 after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that 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 *Residential Tenancy Act*.

Dated: November 02, 2021

Residential Tenancy Branch