



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC, FFT

Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end the tenancy - Section 49;
2. An Order for the Landlord’s compliance - Section 62;
3. An Order to recover the filing fee for this application - Section 72.

Both Parties attended the conference call hearing. At the onset, both Parties indicated their desire to reach an agreement to resolve the dispute and during the hearing did reach a settlement agreement. The Parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that they understood the nature of the full and final settlement of these matters. The Tenant confirms that the claim for an order of compliance is in relation to the continuation of the tenancy.

Agreed Facts

The tenancy began on August 1, 2021. Rent of \$1,400.00 is payable on the first day of each month. At the outset of the tenancy, the Landlord collected \$700.00 as a security deposit. The Landlord served the Tenants with a 2 month notice to end tenancy for landlord’s use dated September 20, 2021 (the “Notice”). The effective date of the Notice is November 30, 2021. The stated reason for the Notice is that the landlord or the landlord’s spouse will occupy the unit.

Settlement Agreement

The Parties mutually agree as follows:

1. The validity of the Notice is no longer questioned;
2. The effective date of the Notice is extended to May 31, 2022;
3. The Tenants will move out of the unit no later than 1:00 p.m. on May 31, 2022; and
4. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.

Section 63(2) of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order. Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above. In order to give effect to the agreement I order that the tenancy will end no later than 1:00 p.m. on May 31, 2022, and I grant the Landlord an order of possession for that date.

Conclusion

The Parties have settled the dispute.

I grant an Order of Possession to the Landlord effective at 1:00 p.m. on May 31, 2022. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and 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 Act.

Dated: February 10, 2022

Residential Tenancy Branch