



# 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 as a result of the Tenants' application for dispute resolution under the *Residential Tenancy Act* (the "Act") 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;
- authorization to recover the filing fee from the Landlord pursuant to section 72.

The two Tenants, the Landlord and the Landlord's agent ("DG") attended the hearing. They were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. A witness ("RC") for the Landlord attended the hearing when required to provide affirmed testimony.

### **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 Tenants agree to withdraw their application;
3. The Tenants must vacate the rental unit not later than 1:00 pm on May 31, 2022;
4. The Tenants may end the tenancy before May 31, 2022, by serving the Landlord with a written notice pursuant to section 45(1) of the Act;
5. Subject to paragraph 6, the Tenants will pay rent to the Landlord for each month until the tenancy is ended in accordance with this settlement; and
6. The Tenants may withhold the last month's rent for the rental unit.

These particulars comprise the full and final settlement of all aspects of the Tenant's dispute against the Landlord. 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 1 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, I grant an Order of Possession to the Landlord effective at 1:00 pm on May 31, 2022. The Landlord is provided with this Order in the above terms and the Tenants must be served with this Order as soon as possible. Should the Tenants fail to comply with this Order, this 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 *Residential Tenancy Act*.

Dated: February 6, 2022

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Residential Tenancy Branch