



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNL-MT, MNDCT, FFT**

Introduction

This hearing was convened as a result of the Tenant's application under the *Residential Tenancy Act* (the "Act") for:

- an extension of time to seek cancellation of a Two Month Notice for Landlord's Use of Property dated September 28, 2021 ("2 Month Notice") pursuant to section 66;
- cancellation of the 2 Month Notice to End Tenancy pursuant to section 49;
- a monetary order for compensation equal to 12 times the rent pursuant to section 51(2);
- an order to suspend or set conditions on the Landlord's right to enter the rental unit pursuant to section 70; and
- authorization to recover the Tenant's filing fee for her application from the Landlord pursuant to section 72.

The Landlord, the Landlord's legal counsel and the Tenant attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The Tenant stated she served the Notice of Dispute Resolution Proceeding and her evidence ("NDRP Package") by registered mail on November 20, 2021. The Tenant provided the tracking number for the registered mail to corroborate her testimony on service of the NDRP Package on the Landlord. The Landlord acknowledged receipt of the NDRP Package. I find the NDRP Package was served on the Landlord in accordance with sections 88 and 89 of the Act.

The Landlord stated she served some of her evidence on the Tenant by registered mail on February 11, 2022. The Landlord stated she served additional evidence on the

Tenant by registered mail on February 16, 2022. The Landlord provided the tracking numbers of the registered mails packages served on February 11 and February 16, 2022. I find the Landlord's evidence packages were served on the Tenant in accordance with section 88 of the Act.

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 Tenant agrees to withdraw her application; and
2. The Landlord agrees to pay the Tenant \$6,000.00 immediately.

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 claims made in the Tenant's application.

Conclusion

As the parties have reached a full and final settlement of the claims set out in the Tenant's application, I make no factual findings about the merits of her application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, the Tenant is granted a Monetary Order for \$6,000.00. This Order must be served on the Landlord as soon as possible. Should the Landlord fail to comply with this Order, this Order may be enforced in the Provincial 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: March 1, 2022

Residential Tenancy Branch