



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, 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 tenancy - Section 49; and
2. An Order to recover the filing fee for this application - Section 72.

Both Parties attended the conference call hearing and made submissions under oath. The Parties confirm receipt of each other’s evidence. The Parties confirm that no recording devices are being used for the hearing. During the hearing the Parties reached a mutual settlement agreement. The Parties conducted a final review for accuracy of the terms of the mutual agreement reached by Parties during the hearing. 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.

### Agreed Facts

The tenancy began in 2008. Rent of \$1,200.00 is payable on the first day of each month. The Landlord is holding a security deposit of \$375.00. The Landlord served the Tenants with a two month notice to end tenancy for landlord’s use dated January 2, 2022 (the “Notice”). The Notice sets out an effective date of March 31, 2022. The reason stated on the Notice is that the Landlord will occupy the unit.

### Settlement Agreement

The Parties mutually agree as follows:

1. The effective date of the Notice is extended to May 15, 2022;
2. The Tenants will move out of the unit by 1:00 p.m. on May 15, 2022;
3. April 2022 rent is waived in lieu of the required compensation payment to the Tenants of the equivalent of one month's rent ;
4. No rents are payable after May 15, 2022; and
5. 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. To give effect to this agreement I grant the Landlord an order of possession effective 1:00 p.m. on May 15, 2022.

### Conclusion

The Parties have settled the dispute.

**I grant** an Order of Possession to the Landlord effective at 1:00 p.m. on May 15, 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: April 11, 2022

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Residential Tenancy Branch