



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNL-4M

Introduction

This hearing was convened in response to an Application for Dispute Resolution in which the Tenant applied to cancel a Four Month Notice to End Tenancy for Demolition or Conversion of a Rental Unit (Notice to End Tenancy).

The Tenant stated that she did not serve the Dispute Resolution Package to the Landlord and that she planned to withdraw her Application for Dispute Resolution at the hearing today.

The Landlord stated that he did not want the Application for Dispute Resolution to be withdrawn, as he would like the merits of his Notice to End Tenancy to be determined. He stated that the Residential Tenancy Branch provided him with the telephone number and access code needed to join the hearing today.

Upon learning that the Landlord was willing to proceed with the hearing today, the Tenant stated that she was also willing to proceed with the hearing.

On January 10, 2022 the Tenant submitted a copy of the Notice to End Tenancy to the Residential Tenancy Branch. The Tenant stated that she did not serve this document to the Landlord. The Landlord stated that he is aware of the content of the Notice to End Tenancy and that he is willing to have that document accepted as evidence for these proceedings. With the Landlord's consent, the Notice to End Tenancy was accepted as evidence for these proceedings.

In March of 2022 the Landlord submitted evidence to the Residential Tenancy Branch. The Landlord stated that this evidence was not served to the Tenant. As there is no evidence that the Tenant has the Landlord's evidence, it was not accepted as evidence for these proceedings.

The participants were given the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions. Each participant affirmed that they would speak the truth, the whole truth, and nothing but the truth during these proceedings.

The participants were advised that the Residential Tenancy Branch Rules of Procedure prohibit private recording of these proceedings. Each participant affirmed they would not record any portion of these proceedings.

Issue(s) to be Decided

Should the Notice to End Tenancy be set aside?

Background and Evidence

After considerable discussion about the terms of the tenancy and the Notice to End Tenancy, dated December 11, 2021, which was served by the Landlord, the Landlord and the Tenant mutually agreed to settle all issues in dispute at these proceedings under the following terms:

- The tenancy will end, by mutual agreement, on May 01, 2022;
- The Landlord will be granted an Order of Possession which will require the Tenant to vacate the unit by May 01, 2022;
- The Tenant may pick up property from the rental unit until May 31, 2022; and
- Fencing at the residential property will not be disturbed prior to May 31, 2022.

The aforementioned settlement agreement was summarized for the parties on at least two occasions. The Landlord and the Tenant clearly indicated their intent to resolve this dispute under these terms.

The Landlord and the Tenant each acknowledged that they understand they were not required to enter into this agreement and that they were doing so voluntarily.

The Landlord and the Tenant each acknowledged that they understood the agreement was final and binding.

Analysis

All issues in dispute at these proceedings have been settled in accordance with the aforementioned settlement agreement.

Conclusion

All issues in dispute at these proceedings have been settled in accordance with the aforementioned settlement agreement.

On the basis of the settlement agreement, the Landlord is granted an Order of Possession that is effective **at 1:00 p.m. on May 01, 2022**. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

This settlement agreement on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: April 04, 2022

Residential Tenancy Branch