



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, CNL

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- the cancellation of the Two Month Notice to End Tenancy for Landlord's Use of Property (the "**Notice**") pursuant to section 49; and
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62.

Tenant DL and ET attended the hearing. The landlord attended the hearing and was represented by her daughter SN. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Preliminary Issue – Removal of Parties

At the outset of the hearing, tenant DL confirmed that tenants SL and JL were his and tenant ET's infant children. As such, the parties agree that they were not properly named as applicants and should be removed as parties to this application.

As such, I ordered that the application be amended to remove SL and JL as parties.

Settlement

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.

Both parties agreed to the following final and binding settlement of all issues currently under dispute:

1. The tenants will provide the landlord with vacant possession of the rental unit on or before July 31, 2022 at 1:00 PM.
2. The landlord will provide the tenants with a neutral reference: she will confirm the duration of tenancy and the fact that the tenants paid the rent on time every

month, and will refrain from making any comment (either positive or negative) about the conduct of the tenants during the tenancy.

These particulars comprise the full and final settlement of all aspects of this dispute. 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 settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached order of possession which orders that the tenant provide vacant possession of the rental unit to the landlord by 1:00 pm on July 31, 2022.

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: May 20, 2022

Residential Tenancy Branch