



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPL, FFL

Introduction

This hearing dealt with the Landlord's application under the *Residential Tenancy Act* (the "Act") for:

- an Order of Possession under a One Month Notice to End Tenancy for Cause, pursuant to sections 47 and 55;
- an Order of Possession under a Two Month Notice to End Tenancy for Landlord's Use, pursuant to sections 49 and 55; and
- authorization to recover the filing fee for this application from the Tenants pursuant to section 72 of the Act.

The Landlord and the Tenants attended the hearing. The Tenant SL acted as the Tenant KL's interpreter during the hearing. The parties were each given a full opportunity to be heard, to present affirmed testimony, and to make submissions.

Correction of Tenants' Names

SL testified that KL's name is spelled incorrectly on the application. SL also confirmed the spelling of his legal name. As such, I have amended both Tenants' names on this application.

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 the issues under dispute in this application:

1. The Tenants will vacate the rental unit by 1:00 pm on August 31, 2022.
2. The Tenants are authorized to withhold payment of rent for the month of August 2022, in full satisfaction of the compensation payable by the Landlord to the Tenants pursuant to section 51(1) of the Act.

The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final and binding, which settle the issues raised on this application only.

For the parties' reference, section 51(1) of the Act states as follows:

Tenant's compensation: section 49 notice

51(1) A tenant who receives a notice to end a tenancy under section 49 [*landlord's use of property*] is entitled to receive from the landlord on or before the effective date of the landlord's notice an amount that is the equivalent of one month's rent payable under the tenancy agreement.

I take this opportunity to further remind the parties that their rights and responsibilities under the Act and the regulations continue for the duration of the tenancy. Pursuant to section 60 of the Act, either party may make claims related to the tenancy within 2 years of the date that the tenancy ends.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application and make no award regarding the filing fee.

To give effect to the settlement reached between the parties and as discussed at the hearing, I grant the Landlord an Order of Possession which orders that the Tenants provide vacant possession of the rental unit to the Landlord by 1:00 pm on August 31, 2022. This Order may be served upon the Tenants, filed with 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: June 07, 2022

Residential Tenancy Branch