



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNR**

Introduction

This hearing dealt with the tenant's application pursuant to section 46 of the *Residential Tenancy Act* (the "Act") for cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice").

Both parties attended the hearing and were given an opportunity to be heard, to present testimony, to make submissions and to call witnesses. The tenants were represented by an advocate. The landlord was assisted by a family member.

As both parties were present service was confirmed. The parties each testified that they received the respective materials and based on their testimonies I find each party duly served in accordance with sections 88 and 89 of the *Act*.

During the hearing the parties referenced a separate application by the landlord under the file number on the first page of this decision scheduled for a hearing at a later date. The tenants said they were not prepared to respond to the monetary component of the landlord's application at this time and therefore, in accordance with the principles of procedural fairness, the Act and Rules of Procedure, I declined to join the applications to be heard together.

Analysis

Pursuant to section 63 of the *Act*, the 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, 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 at this time:

1. This tenancy will end on 12:00 pm July 31, 2022, by which time the tenants and any other occupants will have vacated the rental unit.
2. Both parties agree that this settlement agreement constitutes a full, final and binding resolution of the tenants' applications at this hearing.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be served on the tenants by the landlord **only** if the tenant and any other occupants fail to vacate the rental premises by 12:00 p.m. on July 31, 2022. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme 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: July 18, 2022

Residential Tenancy Branch