



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, CNL, DRI-ARI-C, FFT

Introduction

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

- an order that the Landlords comply with the Act, the regulations, or tenancy agreement pursuant to section 62;
- cancellation of a Two Month Notice to End Tenancy for Landlord's Use dated March 27, 2022 (the "Two Month Notice") pursuant to section 49;
- cancellation of an additional rent increase for capital expenditures pursuant to section 43; and
- authorization to recover the filing fee for this application from the Landlord pursuant to section 72 of the Act.

The Landlords and the Tenants attended this hearing. They were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

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 the issues under dispute in this application:

1. The effective date of the Two Month Notice is extended to September 30, 2022.
2. The Tenants and any other occupant will vacate the rental unit by 1:00 pm on September 30, 2022.
3. The parties will conduct a move-out inspection on September 30, 2022.
4. The Tenants are authorized to withhold payment of September 2022 rent as compensation under 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 of the parties may make claims related to the tenancy within two 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 Landlords an Order of Possession which orders that the Tenants provide vacant possession of the rental unit to the Landlords by 1:00 pm on September 30, 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: July 28, 2022

Residential Tenancy Branch