



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes For the tenant: CNL
 For the landlord: OPL, FF

Introduction

This hearing was convened as the result of the cross applications of the parties for dispute resolution seeking remedy under the Residential Tenancy Act (Act).

The tenant applied for the following:

- an order cancelling the Two Month Notice to End Tenancy for Landlord's Use of Property (Notice) issued by the landlord.

The landlords applied for the following:

- an order of possession of the rental unit pursuant to the Notice served to the tenant; and
- recovery of the cost of the filing fee.

The tenant and the landlord attended and hearing instructions were provided. The parties were affirmed for the hearing and all parties were informed prior to the hearing that recordings were not allowed.

Pursuant to the Residential Tenancy Branch Rules of Procedure (Rules), the landlord proceeded first in the hearing to support their Notice. After taking testimony during the hearing, the parties agreed to a mediated discussion.

Thereafter, the parties agreed to resolve their differences and that I would record their settlement.

Settlement and Conclusion

As the parties resolved matters by agreement, I make no findings of fact or law with respect to their respective applications or the merits of the landlord's Notice.

The parties confirmed that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of these matters. The terms of the settlement are as follows.

1. The tenant agrees to vacate the rental unit, by **5:00 pm on December 1, 2022**.
2. The parties understood that the landlord will be issued an **order of possession** (Order) for the rental unit, based upon the settled agreement, effective at **5:00 p.m., on December 1, 2022**.
3. Should it become necessary, this Order must be served on the tenant to be enforceable and may be enforced in the Supreme Court of British Columbia.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement, or the Act, it is open to the other party to take steps under the Act to seek remedy.

The tenant is cautioned that should enforcement of the Order become necessary, the costs of enforcement, **such as bailiff fees**, are subject to recovery from the tenant.

I order the parties to comply with their agreement.

As the matters were settled, I do not award the landlord recovery of their filing fee.

This decision containing the recorded settlement 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: September 26, 2022

Residential Tenancy Branch