



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **CNC**

### Introduction

This hearing dealt with an application by the tenants pursuant to the Residential Tenancy Act (“Act”) for orders as follows:

- cancellation of the landlord’s One Month Notice pursuant to section 47

Both parties attended the hearing with the landlord being represented by landlord PG and agent LC while the tenants were represented by tenant CY and JM.

Both parties confirmed they were not recording the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The tenants confirmed receipt of the One Month Notice to End Tenancy (“One Month Notice”) dated May 12, 2022. The One Month Notice was issued on June 12, 2022 and has an effective date of July 11, 2022, but both parties agreed that the date of issuance of the notice was an error, and the tenants personally received the notice on May 12, 2022. Pursuant to section 88 of the Act the tenants are found to have been served with this notice in accordance with the Act. The landlord similarly acknowledged receipt of the dispute notice on June 9, 2022.

### Settlement

Pursuant to section 63 of the *RTA*, 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 listed in this application for dispute resolution:

1. The tenants agree to provide the landlord with vacant possession of the subject rental property on December 1, 2022 at 1:00 P.M.
2. The tenant acknowledged rent in its entirety had to be paid for November 2022.

As the parties have reached a settlement, I make no factual findings about the merits of this application, and I have only addressed the issues brought forward in the application before me.

### Conclusion

I order the parties to comply with the terms of the settled agreement described above.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the landlord, which is to take effect on December 1, 2022, at 1:00 P.M., and a monetary order in favour of the landlord in the amount of \$900.00. The landlords are provided with these orders in the above terms and must serve them on the tenant in accordance with the *RTA*. If the tenant fails to comply with these orders, the landlord may enforce the order of possession in the Supreme Court of British Columbia and the monetary order in the Provincial 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: October 03, 2022

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Residential Tenancy Branch