



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes CNL; FFT

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The tenant was represented at the hearing by an Advocate.

The tenant served the landlord with the initial Notice of Dispute Resolution package by Registered Mail. The Canada Post Tracking Number is recorded on the coversheet of this decision. The landlord did not upload any evidence or documents to the file in advance of this participatory hearing.

At the outset, I advised the parties of rule 6.11 of the Rules of Procedure (the "Rules") that prohibit participants from recording the hearing. The parties confirmed that they were not recording the hearing.

Both parties came to the hearing prepared to settle the dispute. I explained the hearing and settlement processes to the parties. Both parties had the opportunity to ask questions. Neither party made any adjournment or accommodation requests. Both parties confirmed that they were ready to proceed with this hearing; they wanted to settle this application and did not want me to decide the outcome.

I was not required to consider the landlord's or the tenant's evidence at this hearing or in the decision, as both parties voluntarily settled this application.

### 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. Prior to and during the hearing the parties discussed the issues and 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:

1. Both parties agree that this tenancy will end by 1:00 p.m. on October 15, 2022 by which time the tenant and any other occupants will have vacated the rental unit.
2. On October 15, 2022 the landlord will reimburse the tenant for rent paid for the period September 15, 2022 through October 15, 2022 in the amount of \$1300.00 as required when a tenant receives a Two Month Notice. The reimbursement will be in cash.
3. On October 15, 2022, the landlord and tenant will complete the end of tenancy condition inspection and the security deposit will be returned in accordance with the outcome of that inspection.

These particulars comprise the full and final settlement of all aspects of this dispute. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of this dispute between them.

As requested, I have included a link to Policy Guideline 50 for information purposes.<sup>1</sup>

### **Conclusion**

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached monetary order ordering the landlord to pay the tenant \$1300.00 by October 15, 2022.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached order of possession which orders that the tenant provide vacant possession of the rental unit to the landlord by 1:00 pm on October 15, 2022.

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<sup>1</sup> <https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/policy-guidelines/gl50.pdf>

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 4, 2022

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Residential Tenancy Branch