



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC-MT, MNDCT, DRI, OLC
ET, OPL, FFL

Introduction

This hearing dealt with an Application for Dispute Resolution that was filed by the Tenant (the Tenant's Application) under the Residential Tenancy Act (the Act) on July 5, 2022, seeking:

- Cancellation of a One Month Notice to End Tenancy for Cause (the One Month Notice);
- An extension to the time limit for disputing the One Month Notice set out under section 47(4) of the Act;
- Compensation for monetary loss or other money owed;
- An order for the Landlord to comply with the Act, regulation, and/or the tenancy agreement; and to
- Dispute a rent increase.

This hearing also dealt with an Application for Dispute Resolution that was filed by the Landlord (the Landlord's Application) under the Act on July 21, 2022, and an amendment to the Landlord's Application (the Amendment) filed on September 22, 2022, seeking:

- An early end to the tenancy pursuant to section 56 of the Act;
- An Order of Possession because they issued a Two Month Notice to End Tenancy for Landlord's Use of Property (the Two Month Notice); and
- Recovery of the filing fee.

The hearing was convened by telephone conference call at 9:30 A.M. on November 22, 2022, and was attended by the Tenant, the Tenant's advocate H.P. (the Advocate), the Landlord, and the Landlord's son J.A. All testimony provided was affirmed. As the

parties acknowledged receipt of each other's Notices of Dispute Resolution Proceeding (NODRP) and amendment(s), and stated that they have no concerns with regards to dates or methods of service, the hearing therefore proceeded as scheduled.

The participants were advised that pursuant to rule 6.10 of the Rules of Procedure, interruptions and inappropriate behavior would not be permitted and could result in limitations on participation, such as being muted, or exclusion from the proceedings. The participants were asked to refrain from speaking over myself and one another and to hold their questions and responses until it was their opportunity to speak. The participants were also advised that personal recordings of the proceeding were prohibited under the Rules of Procedure and confirmed that they were not recording the proceedings.

A copy of the decision and any orders issued in their favor will be sent to the parties in the manner requested at the hearing.

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised on several occasions during the hearing that there is no obligation to resolve the dispute through settlement, but that pursuant to section 63 of the Act, I could assist the parties to reach an agreement, which would be documented in my Decision and any supporting Orders.

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The parties agree that the tenancy will end by way of mutual agreement on January 31, 2023, at 1:00 P.M., that the Tenant will vacate the rental unit by that date and time, and that the Landlord may be granted an Order of Possession.
2. The Landlord agrees, with the Tenant's consent, that the One Month Notice and the Two Month Notice are withdrawn and of no force or effect.
 - The parties agree to withdraw their respective Applications as part of this mutually settled agreement, with the exception of the Tenant's claims for compensation for monetary loss or other money owed, an order for the Landlord to comply with the Act, regulation, and/or the tenancy agreement, and their dispute of a rent increase, which are dismissed with leave to re-apply.
3. The rights and responsibilities of the parties under the Act, regulation, and tenancy agreement continue until the tenancy is ended in accordance with this agreement.

Conclusion

In support of the settlement described above, and with the agreement of the parties, I grant the Landlord an Order of Possession effective at 1:00 P.M. on January 31, 2023. The Landlord is provided with the Order of Possession in the above terms, and the Tenant must be served with this Order as soon as possible. Should the Tenant fail to comply with this Order, this Order may be filed in 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 Branch under Section 9.1(1) of the Act.

Dated: November 22, 2022

Residential Tenancy Branch