



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC CNL**

Introduction

This hearing was convened by way of conference call in response to an application for dispute resolution (“Application”) filed by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”). The Tenant applied for the following:

- an order cancelling a One Month Notice to End Tenancy for Cause (“1 Month Notice”) dated July 10, 2022 pursuant to section 47; AND
- an order cancelling a Two Month Notice to End Tenancy for Landlord’s Own Use of Property (“2 Month Notice”) pursuant to section 49.

The two Landlords (“RG” and “KR”), the Tenant and the Tenant’s advocate (“HB”) attended the hearing. I explained the hearing process to the parties who did not have questions when asked. I told the parties they were not allowed to record the hearing pursuant to the *Residential Tenancy Branch Rules of Procedure* (“RoP”). The parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Matter – Correction of Rental Address

At the outset of the hearing, I noted the 1 Month Notice, the 2 Month Notice and the tenancy agreement stated the street number for the rental address while the Application did not specify the street number for the rental address. The Tenant requested that I amend the Application to add the street number to the rental address. RG did not object to the proposed amendment.

Rule 4.2 of the RoP:

4.2 Amending an application at the hearing

In circumstances that can reasonably be anticipated, such as when the amount of rent owing has increased since the time the Application for Dispute Resolution was made, the application may be amended at the hearing.

If an amendment to an application is sought at a hearing, an Amendment to an Application for Dispute Resolution need not be submitted or served.

At the Tenant's request, and with the consent of the RG, I order the Application to be amended to add the street number to the street address of the rental unit pursuant to Rule 4.2 of the RoP.

Preliminary Matter – Correction of Renal Address

At the outset of the hearing, RG stated KR is a one-half owner of the rental unit. RG requested that I amend the Application to add KR as a respondent. The Tenant did not object to the amendment.

Rule 4.2 of the RoP:

4.2 Amending an application at the hearing

In circumstances that can reasonably be anticipated, such as when the amount of rent owing has increased since the time the Application for Dispute Resolution was made, the application may be amended at the hearing.

If an amendment to an application is sought at a hearing, an Amendment to an Application for Dispute Resolution need not be submitted or served.

At RG's request, and with the Tenant's consent, I order the Application to be amended to add KR as a respondent in the Application pursuant to Rule 4.2 of the RoP.

Settlement Agreement

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.

The parties agreed to the following final and binding settlement of all issues currently under dispute:

1. The Landlords agrees to cancel the 1 Month Notice and the 2 Month Notice;
2. The Tenant agrees to withdraw the Application; and
3. The Tenant agrees to vacate the rental unit no later than 1:00 pm on December 13, 2022.

These particulars comprise the full and final settlement of all aspects of the Tenant's dispute against the Landlords. 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 the claims made in the Application.

Conclusion

As the parties have reached a full and final settlement of all the claims set out in the Application, I make no factual findings about the merits of the Application.

I hereby order the 1 Month Notice and 2 Month Notice to be cancelled and of no force or effect.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant the Landlords an Order of Possession effective at 1:00 pm on December 13, 2022. 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.

The Landlords are provided with the Order of Possession in the above terms and the Tenant must be served with the Order as soon as possible.

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: December 06, 2022

Residential Tenancy Branch