



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LYNNHAVEN SOCIETY and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNQ, OLC, CNC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (Application) and two #RTB-42T Tenant Request to Amend a Dispute Resolution Application's (Amendments) filed by the Tenants under the Residential Tenancy Act (the Act) on August 12, 2022, September 26, 2022, and October 24, 2022, seeking:

- Cancellation of a Two Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit (Two Month Notice);
- Cancellation of a One Month Notice to End Tenancy for Cause dated September 12, 2022 (One Month Notice #1);
- Cancellation of a One Month Notice dated November 30, 2022 (One Month Notice #2);
- An order for the Landlord to comply with the Act, regulations, and/or the tenancy agreement; and
- Recovery of the filing fee.

The hearing was convened by telephone conference call at 11:00 A.M. on January 12, 2023, and was attended by the Tenants, the Tenants' advocate I.C. (the Advocate), and two agents for the Landlord J.R. and B.T. (Agents). All testimony provided was affirmed. As the Agents acknowledged receipt of the Notice 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 by email as 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 these matters as follows:

1. The parties agree that the tenancy will end by way of mutual agreement on April 30, 2023, at 1:00 P.M., that the Tenants will vacate the rental unit by that date and time, and that the Landlord may be granted an Order of Possession.
2. The parties agree that a move-out condition inspection will be completed on April 30, 2023, at 1:00 P.M., unless otherwise agreed.
3. The parties agree that the tenancy may be ended by the Tenants earlier than April 30, 2023, upon one month's written notice.
4. The Agents agree, with the Tenants' consent, that the notices to end tenancy are withdrawn and of no force or effect.
5. The Tenants agree to withdraw their Application seeking cancellation of the above noted notices to end tenancy, an Order for the Landlord to comply with the Act, regulations, and/or the tenancy agreement, and recovery of the filing fee as part of this agreement.
6. The rights and responsibilities of the parties under the Act, regulations, and tenancy agreement continue until the tenancy ends.

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 April 30, 2023. The Landlord is provided with the Order of Possession in the above terms, and the Tenants

must be served with this Order as soon as possible. Should the Tenants 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 Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: January 12, 2023

Residential Tenancy Branch