



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

RECORD OF SETTLEMENT

Dispute Codes CNC, OPC, FFL

This hearing dealt with cross applications pursuant to the *Residential Tenancy Act* (the *Act*) for:

The landlord is seeking:

- an Order of Possession pursuant to section 55; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant is seeking:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

Settlement

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows;

1. Both parties agree that the tenancy can continue and that the One Month Notice to End Tenancy for Cause dated December 12, 2022 should be cancelled as the landlord no longer wishes to pursue it. The notice is cancelled and the tenancy continues.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

The filing fee is a discretionary award usually issued by an Arbitrator after a party is fully successful after a full hearing on the merits of the application. As I was not required to

make a decision regarding this application and both parties agreed to voluntarily settle this matter, I decline to award the recovery of the filing fee to the applicants.

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: February 21, 2023

Residential Tenancy Branch