



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL

Introduction

This hearing was convened as a result of the Tenants' application under section 49 of the *Residential Tenancy Act* (the "Act") to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property (the "Two Month Notice").

The Landlords and the one of the Tenants, JS, attended this hearing and gave affirmed testimony.

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.

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 the issue under dispute in this application:

1. The effective date of the Two Month Notice is extended to March 1, 2023. The Tenants and any other occupant will vacate the rental unit by 4:00 pm on March 1, 2023. The parties agree that no additional rent is payable for March 1, 2023.
2. The parties agree that the Tenants have received February 2023 rent-free as the Tenants' compensation under section 51(1) of the Act.

3. The Tenants' security deposit will be dealt in accordance with the Act, the regulation, and the parties' tenancy agreement.

The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as final, binding, and enforceable, which settle the issue raised on this application only.

For the parties' reference, section 51(1) of the Act states as follows:

Tenant's compensation: section 49 notice

51(1) A tenant who receives a notice to end a tenancy under section 49 [landlord's use of property] is entitled to receive from the landlord on or before the effective date of the landlord's notice an amount that is the equivalent of one month's rent payable under the tenancy agreement.

I take this opportunity to further remind the parties that their rights and responsibilities under the Act, the regulation, their tenancy agreement continue for the duration of the tenancy. Pursuant to section 60 of the Act, either party may make claims related to the tenancy within two years of the date that the tenancy ends.

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 grant the Landlords an Order of Possession which orders that the Tenants and any other occupant provide vacant possession of the rental unit to the Landlords by **4:00 pm on March 1, 2023**. This Order may be served upon the Tenants, filed with 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 *Residential Tenancy Act*.

Dated: February 27, 2023

Residential Tenancy Branch