



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

Landlord:

- an order of possession for landlord’s use of property pursuant to section 55;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Tenant:

- cancellation of a Two Month Notice to End Tenancy For Landlord’s Use of Rental Property, pursuant to section 49 (the Two Month Notice);

All named parties attended the hearing. During the hearing, the parties were successful in resolving this dispute by mutual agreement.

Terms of 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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenants agree to provide vacant possession to the landlord *no later than 1:00 p.m. on May 15, 2023*, and, the landlord will be granted an **Order of Possession** effective this date.

2. The tenants agree to pay pro-rated rent for the period of April 1, 2023 to April 15, 2023. The tenants are entitled to the equivalent of one month rent free under section 51(1) of the Act and the tenants shall be entitled to apply that to the period of April 16, 2023 to May 15, 2023.
3. The tenants agree to pay to the landlord \$763.28 in outstanding utilities for the period of November 5, 2022 to early March 2023 (period for which utilities invoices have already been provided to the tenants by the landlord).
4. The landlord is to provide the tenants with any remaining utilities invoices for the period of early March 2023 to March 31, 2023 and the tenants agree to pay any amounts due on or before the move out date of May 15, 2023.
5. For the period of April 1, 2023 to May 15, 2023 the parties have agreed the tenants will pay a set amount of \$200.00 for utilities which will also be payable on or before the move out date of May 15, 2023.
6. The landlord agrees to pay to the tenant \$350.00 in compensation for damages to the tenants' belongings. This amount is also payable on or before the move out date of May 15, 2023

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that the above terms comprise the full and final settlement of all aspects of this dispute.

This Decision and Settlement Agreement is final and binding on both parties.

As per the terms of this settlement, I grant an Order of Possession to the landlord effective **1:00 p.m. on May 15, 2023**. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: March 27, 2023