



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Tenant: CNL, MNDCT, DRI, OLC, FFT
Landlord: OPL, FFL

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear crossed applications regarding a tenancy.

The tenant applied on November 4, 2022 for:

- dispute of a Two Month Notice to End Tenancy for Landlord's Use of Property, dated October 18, 2022 (the Two Month Notice);
- compensation for monetary loss or other money owed;
- dispute of a rent increase above the amount allowed by law;
- an order for the landlord to comply with the Act, Regulation, and/or the tenancy agreement; and
- the filing fee.

The landlord applied on November 8, 2022 for:

- an order of possession, having served the Two Month Notice; and
- the filing fee.

The hearing was attended by the tenant, the landlords, the landlord's child, and the landlord's friend, who were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses; they were made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

Settlement

Pursuant to section 63 of the Act, the 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.

I advised the parties there is no obligation to resolve the dispute through settlement and that if either party did not wish to resolve this matter through settlement, I would hear testimony and make a decision based on the evidence before me. The parties were able to turn their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following binding settlement terms:

- 1) The tenant will vacate the rental unit by April 1, 2024 at 1:00 p.m.
- 2) The tenant may notify the landlord and vacate the rental unit before April 1, 2024 at 1:00 p.m.
- 3) The tenant is not required to pay rent for April, May, or June 2023.
- 4) The landlord will not serve another Two Month Notice on the tenant.
- 5) This is a full and final resolution of the dispute between the parties.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. As the parties resolved matters by agreement, I make no findings of fact or law with respect to the applications before me.

In support of the settlement, and with the agreement of the parties, I grant the landlord an order of possession effective at 1:00 p.m. on April 1, 2024.

Conclusion

The applications are dismissed.

In support of the parties' agreement, I grant the landlord an order of possession effective at 1:00 p.m. on April 1, 2024.

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 16, 2023

Residential Tenancy Branch