



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNL

### Introduction

This hearing convened as a result of the Tenant's Application for Dispute Resolution wherein the Tenant requested an Order cancelling a Notice to End Tenancy for Landlord's Use issued on October 24, 2022 (the "Notice").

The hearing of the Tenant's Application was scheduled for teleconference at 9:30 a.m. on March 6, 2023. Both parties called into the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

### Settlement and Conclusion

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims.

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 terms of their settlement follow.

1. The tenancy shall end and the Tenant shall vacate the rental unit by no later than **1:00 p.m. on April 30, 2023.**
2. The Landlord is granted an Order of Possession effective **1:00 p.m. on April 30, 2023.** The Landlord must serve the Order on the Tenant as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
3. The Tenant shall not pay rent for the month of April 2023 as compensation pursuant to section 51(1) of the *Residential Tenancy Act*.
4. Should the Tenant not vacate the rental unit as agreed the Landlord is at liberty to claim compensation for the rent for the month of April 2023.
5. The Tenant reserves the right to claim compensation equivalent to 12 months' rent pursuant to section 51(2) of the *Residential Tenancy Act*, should the Landlord not use the property for the purpose stated on the Notice.

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 06, 2023

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Residential Tenancy Branch