



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL, OLC, FFT

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on February 2, 2023, wherein the Tenants sought the following relief:

- an Order canceling a 2 Month Notice to End Tenancy for Landlord's Use, issued January 27, 2023 (the "Notice");
- an Order that the Landlord comply with the *Residential Tenancy Act* (the "Act"), the *Residential Tenancy Regulation*, and/or the residential tenancy agreement; and,
- recovery of the filing fee.

The hearing of the Tenant's Application was scheduled for teleconference at 9:30 a.m. on March 16, 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 Tenants 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 Tenants 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 Tenants 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 Tenants reserve 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.
6. The Tenants shall no be responsible for paying the \$70.00 electrical utility; this sum shall be considered the Landlord's contribution to the \$100.00 filing fee paid by the Tenants for this Application.
7. By no later than 4:00 p.m. on March 17, 2023 the Landlord shall provide a written reference for the Tenants to assist them in finding alternate rental accommodation.

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