



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNC**

Introduction

This hearing dealt with an application by the tenant pursuant to the Residential Tenancy Act (“Act”) for orders as follows:

- cancellation of the landlords’ One Month Notice to End Tenancy for Cause (“One Month Notice”) pursuant to section 47

Both parties attended the hearing with the landlord represented by an agent KS, while the tenant was represented by tenant MB. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The hearing was conducted by conference call. The parties were reminded to not record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The tenant confirmed receipt of the One Month Notice dated November 23, 2022. Pursuant to section 88 of the Act the tenant is found to have been served with this notice in accordance with the Act.

The parties each testified that they received the respective materials and based on their testimonies I find each party duly served in accordance with sections 88 and 89 of the Act.

Preliminary Matter

The parties agree that one of the tenants named in the application is a minor child. Therefore the application is amended and the minor child is removed as a party to the dispute pursuant to section 64(3)(c) of the Act.

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.

Both parties agreed to the following final and binding settlement of all issues listed in this application for dispute resolution:

1. The tenant agrees to provide the landlord with vacant possession of the subject rental property on April 30, 2023 at 1:00 P.M.
2. The tenant agrees to provide the landlord with written notice in the event the tenant locates housing prior to April 30, 2023. The landlord agrees to accept reasonable notice and agrees the tenant only owes rent up until the date the tenancy ends.

As the parties have reached a settlement, I make no factual findings about the merits of this application, and I have only addressed the issues brought forward in the application before me.

Conclusion

I order the parties to comply with the terms of the settled agreement described above.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the landlord, which is to take effect on April 30, 2023, at 1:00 P.M.. If the tenant fails to comply with the order of possession, the landlord may enforce the order of possession in 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 17, 2023

Residential Tenancy Branch