



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

**Dispute Codes**      **CNC, CNL-4M, RP, LRE, LAT, FFT**

### **Introduction**

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

- cancellation of the landlord’s One Month Notice to End Tenancy (“One Month Notice”) pursuant to section 47 of the Act
- cancellation of the landlord’s Four Month Notice to End Tenancy (“Four Month Notice”) pursuant to section 49 of the Act
- for an order requiring the landlord to make repairs to the property pursuant to section 32 of the Act
- for an order suspending or setting conditions on the landlord's right to enter to the rental property pursuant to section 70 of the Act
- For an order authorizing the tenant to change the locks on the rental unit pursuant to section 31 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

Both parties attended the hearing with the landlord being represented by landlord NS and counsel AR while the tenants were represented by tenant FL and counsel HF.

Both parties were reminded not to record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The tenants confirmed receipt of the One Month Notice dated December 1, 2022 with an effective date of January 31, 2023, and the Four Month Notice dated November 24, 2022 with an effective date of March 31, 2023. Pursuant to section 88 of the Act the tenant is found to have been served with these notices 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.

### 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 tenants agree to provide the landlord with vacant possession of the subject rental property on April 30, 2023 at 1:00 P.M.
2. The landlord acknowledged that the tenant is not required to pay rent for the month of April, 2023.
3. The landlord will pay the tenant the sum of \$2,000.00 towards the tenant's moving expenses.

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. The notices to end tenancy are withdrawn.

### 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., and a monetary order in favour of the tenant in the amount of \$2,000.00. The parties are provided with these orders in the above terms and must serve them on each other in accordance with the Act. 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.

The monetary order may be enforced by the tenant in the Provincial 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 02, 2023

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Residential Tenancy Branch