



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNL, OLC, FFT**

Introduction

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

- cancellation of the landlord’s Two Month Notice to End Tenancy for the Landlord’s Use dated November 15, 2022 pursuant to section 49 of the Act
- cancellation of the landlord’s Two Month Notice to End Tenancy for the Landlord’s Use dated January 29, 2023 pursuant to section 49 of the Act
- for an order requiring the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

Both parties attended the hearing. For the landlord LAY, YAY, YY, PS, LN and SL appeared. The tenant, LT appeared for herself along with advocate LH.

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. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The tenant confirmed receipt of a Two Month Notice dated November 15, 2022, with an effective date of January 31, 2023. The tenant confirmed receipt of a second Two Month Notice dated January 29, 2023 with an effective date of March 31, 2023.

The parties acknowledged receipt of each other’s hearing package and evidence. Service for both parties complies with sections 88 and 89 of the Act.

I note that landlords YAY and LAY were named in as landlords in the first Two Month Notice. Landlords YY and LN were named in the second Two Month Notice. The landlords named in the first Two Month Notice transferred title to the property to YY on December 22, 2022 and landlord YY is named in the second Two Month Notice. LN, who is also named in the second Two Month Notice, purchased the rental property on January 12, 2023 and has a possession date of the rental property of April 1, 2023.

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 October 31, 2023 at 1:00 P.M.
2. The landlord acknowledged that the tenant is not required to pay rent for the rest of the tenancy until the tenant vacates the rental unit on October 31, 2023.
3. The landlord will pay the tenant the sum of \$1,200.00.

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 October 31, 2023 at 1:00 P.M., and a monetary order in favour of the tenant in the amount of \$1,200.00. 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 20, 2023

Residential Tenancy Branch