



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

SETTLEMENT DECISION

Dispute Codes **CNL, CNR, RR, RP, LRE, OLC, CNL-MT, MNRT, MNDCT, PSF**

Introduction

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

- For cancellation of the landlords' 10 Day Notice to End Tenancy ("10 Day Notice") pursuant to section 46 of the Act
- for cancellation of a Two Month Notice to End Tenancy for Landlord's Use of Property ("Two 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 more time to dispute a Two Month Notice pursuant to section 66 of the Act
- for an order to reduce rent for repairs, services, or facilities agreed upon but not provided pursuant to section 65 of the Act
- for an order suspending or setting conditions on the landlords' right to enter to the rental property pursuant to section 70 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 a monetary order for compensation for emergency repairs pursuant to section 33 of the Act
- for a monetary order for damage or compensation pursuant to section 67 of the Act
- for an order to provide services or facilities required by the tenancy agreement or law pursuant to section 62 of the Act

Landlord KJ appeared with agents AG and JG. Tenants GS and MS appeared with advocate GL. 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 tenants confirmed receipt of the 10 Day Notice dated January 1, 2023 with an effective date of January 14, 2023 and the Two Month Notice dated November 16, 2022 with an effective date of January 31, 2023. Pursuant to section 88 of the Act the tenants are found to have been served with these notices in accordance with the Act.

The tenants testified that they received the landlords' materials and based on their testimonies I find they were served in accordance with sections 88 and 89 of the Act. The landlords testified that they did not receive the tenants' dispute notice with respect to the Two Month Notice.

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 that this settlement agreement constituted a final and binding resolution of the application before me.:

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.

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.. 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 27, 2023

Residential Tenancy Branch