



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL, OLC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution that was filed by the Tenant under the *Residential Tenancy Act* (the Act) on December 1, 2022, seeking:

- Cancellation of a Two Month Notice to End Tenancy for Landlord's Use of Property (Two Month Notice);
- An order for the Landlord to comply with the Act, regulations, or tenancy agreement; and
- Recovery of the filing fee.

The hearing was convened by telephone conference call and was attended by the Tenant, the Landlord, and two witnesses for the Landlord. All parties provided affirmed testimony. The witnesses were excluded from the proceeding while the parties provided testimony and ultimately were not called upon to provide testimony.

The parties were advised that inappropriate behavior would not be permitted and could result in limitations on participation, such as being muted, or exclusion from the proceedings. The parties were asked to refrain from speaking over me and one another and to hold their questions and responses until it was their opportunity to speak. The parties were also advised that personal recordings of the proceeding were prohibited under the Rules of Procedure and confirmed that they were not recording the proceedings.

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised on several occasions during the hearing that there is no obligation

to resolve the dispute through settlement, but that pursuant to section 63 of the Act, I could assist the parties to reach an agreement, which would be documented in my decision and supporting order.

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The parties agree the tenancy will end because of the Two Month Notice at 1:00 pm on September 30, 2023.
2. The parties agree that the Tenant may continue to garden as allowable under the tenancy agreement.
3. The parties agree that the Tenant may end the tenancy early upon not less than one weeks written notice.
4. The Tenant agrees to allow the Landlord to engage in construction activities on the property, with proper notice.

This settlement agreement was reached in accordance with section 63 of the Act and the parties are cautioned that the rights and obligations of the parties under the Act continue until the tenancy ends.

Conclusion

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

In support of the settlement described above, and with the agreement of the parties, I grant the Landlord an order of possession, effective at 1:00 pm on September 30, 2023. This order of possession must be served on the Tenant as soon as possible. Should the Tenant fail to comply with this order, this order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: April 13, 2023

Residential Tenancy Branch