



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNL, OLC, FFT

### Introduction

This hearing dealt with the Tenant's application under the *Residential Tenancy Act* (the "Act") for:

- cancellation of a Two Month Notice to End Tenancy for Landlord's Use of Property dated December 14, 2022 (the "Two Month Notice") pursuant to section 49;
- an order that the Landlord comply with the Act, the regulations, or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the Landlord pursuant to section 72.

The Landlord and the Tenant attended this hearing and gave affirmed testimony.

### 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.

The parties agreed to the following final and binding settlement of the issue under dispute in this application:

1. The effective date of the Two Month Notice is extended to June 30, 2023. The Tenant and any other occupant will vacate the rental unit by 1:00 pm on June 30, 2023.
2. The Tenant may withhold payment of rent to the Landlord for the month of June 2023 as the Tenant's compensation under section 51(1) of the Act.
3. If the Tenant wishes to move out prior to June 30, 2023, the Tenant must give the Landlord at least ten days' written notice and ensure that rent is paid to the effective date of that notice. Provided the Tenant does so, the tenancy will end on the effective date of the Tenant's notice, and the Landlord will pay the Tenant one month's rent as compensation under section 51(1) of the Act by the effective date of that notice.

The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as final, binding, and enforceable, which settle the issue raised on this application.

For the parties' reference, section 51(1) of the Act states as follows:

**Tenant's compensation: section 49 notice**

51(1) A tenant who receives a notice to end a tenancy under section 49 [*landlord's use of property*] is entitled to receive from the landlord on or before the effective date of the landlord's notice an amount that is the equivalent of one month's rent payable under the tenancy agreement.

I take this opportunity to further remind the parties that their rights and responsibilities under the Act, the regulation, and the tenancy agreement will continue for the duration of the tenancy. Pursuant to section 60 of the Act, either party may make claims related to the tenancy within two years of the date that the tenancy ends.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties and as discussed at the hearing, I grant the Landlord an Order of Possession which orders that the Tenant and

any other occupant provide vacant possession of the rental unit to the Landlord by **1:00 pm on June 30, 2023**. This Order may be served upon the Tenant, filed with 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 *Residential Tenancy Act*.

Dated: April 27, 2023

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Residential Tenancy Branch