



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL, FFT

Introduction

The Tenants applied for dispute resolution (“Application”) and seek an order cancelling a Two Month Notice to End Tenancy for Landlord’s Use of Property (the “Notice”) pursuant to section 49(8)(a) of the *Residential Tenancy Act* (the “Act”). They are also seeking to recover the cost of the filing fee under section 72 of the Act.

Both Tenants attended the hearing. The Landlord was represented at the hearing by their Agent, W.M., and their daughter, Y.C. The parties affirmed to tell the truth during the hearing. Both parties were each given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

As both parties were present, service was confirmed at the hearing. The parties each confirmed receipt of the Notice of Dispute Resolution Package (the “Materials”) and evidence. Based on their testimonies I find that each party was served with these materials as required under 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. 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 were able to reach a compromise and achieved a resolution of their dispute on mutually agreed terms.

Both parties agreed to the following final and binding settlement of all issues listed in the Application:

- The Tenants will provide the Landlord with vacant possession of the rental unit by 1:00 P.M. on May 1, 2023.
- The Landlord will pay the Tenants the sum of \$1,750.00 in full satisfaction of the compensation of one month's rent due under the Notice.
- The tenancy is ended under the Two Month Notice to End Tenancy for Landlord's Use of Property dated December 13, 2022 and requirements for the child of the Landlord or Landlord's spouse to occupy the rental unit for a period of at least six months apply, as this is the reason stated on the Notice.
- Both parties agreed that this settlement agreement constituted a final and binding resolution of the Landlord's Application.

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 by 1:00 P.M. on May 1, 2023.

The Landlord is provided with this Order in the above terms and must serve it on the Tenants in accordance with the Act. If the Tenants do not comply with the Order of Possession, it may be filed by the Landlord with the Supreme Court of British Columbia and enforced as an order of that court.

Additionally, 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 grant the Tenants a Monetary Order in the amount of \$1,750.00.

A Monetary Order is attached to this Decision and must be served on the Landlord. It is the Tenants' obligation to serve the Monetary Order on the Landlord. If the Landlord fails to comply with this order the Tenants may file the order in the Provincial Court (Small Claims) to be enforced as an order of that Court.

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

As I am not deciding on the matter before me, I dismiss without leave to reapply the Tenants' request for the Landlord to pay the filing fee for the Application.

Conclusion

The parties agreed to settlement on final and binding terms.

The Landlord is issued an **Order of Possession** effective 1:00 P.M. on May 1, 2023.

The Tenants are issued a **Monetary Order** in the amount of \$1,750.00.

The tenancy is ended under the Two Month Notice to End Tenancy for Landlord's Use of Property dated December 13, 2022.

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 28, 2023

Residential Tenancy Branch