



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNL FFT**

Introduction

This hearing was convened by way of conference call in response to an application for dispute resolution (“Application”) made by the Applicant under the *Residential Tenancy Act* (the “Act”) in which the Applicant seeks:

- an order to cancel a Notice to End Tenancy for Landlord’s Use of Property dated December 27, 2022 pursuant to section 49; and
- authorization to recover the filing fee for the Application from the Respondents pursuant to section 72.

The two Respondents and the Applicant attended this hearing. I explained the hearing process to the parties who did not have questions when asked. I told the parties they were not allowed to record the hearing pursuant to the Residential Tenancy Branch Rules of Procedure (“RoP”). The parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The Applicant stated he served the Notice of Dispute Resolution Proceeding (“NDRP”) on each of the two Respondents, but he could not recall the date of posting. The two Respondents acknowledged receipt of the NDRP. As such, I find the NDRP was served by the Applicant on the Respondents in accordance with the provisions of section 89 of the Act.

Settlement Agreement

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 all issues currently under dispute:

1. The Applicant agrees to withdraw the Application;
2. The Applicant agrees to vacate the rental unit by 1:00 pm on June 19, 2023; and
3. The Respondents agree to gift the washer and dryer that is currently located in the rental unit to the Applicant.

These particulars comprise the full and final settlement of all aspects of the Applicant's dispute against the Respondents. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of claims made in the Application.

Conclusion

As the parties have reached a full and final settlement of the Applicant's claims set out in the Application, I make no factual findings about the merits of the Application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant the Respondents an Order of Possession effective at 1:00 pm on June 19, 2023. The Respondents are provided with this Order in the above terms and the Applicant must be served with this Order as soon as possible. Should the Applicant 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 *Residential Tenancy Act*.

Dated: May 11, 2023

Residential Tenancy Branch