



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Tenants on March 9, 2023, under the *Residential Tenancy Act* (the “Act”), to cancel a Two-Month Notice to End Tenancy for Landlord’s use of the Property (the “Notice”) dated February 21, 2023. The matter was set for a conference call.

The Landlord and the Tenants with their respective legal counsel attended the hearing. The Landlord and the Tenant were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issues to be Decided

- Should the Notice dated February 21, 2023, be cancelled?
- If not, is the Landlord entitled to an order of possession pursuant to section 55 of the *Act*?

### Background and Evidence

At the outset of these proceedings, both parties expressed a desire to enter into a mutual agreement to end the tenancy. Section 63 of the *Act* allows for the parties to consider a settlement to their dispute during the hearing, and that any settlement agreement reached during the hearing may be recorded in the form of a decision and an order. In accordance with this, an opportunity for a settlement discussion was presented, and the parties came to an agreement on a settlement that would resolve their dispute.

During the hearing, the parties agreed to the following settlement:

1. The Tenants agreed to withdraw their dispute of the Two-Month Notice to End Tenancy for Landlord's use of the Property dated February 21, 2023.
2. Landlord agreed to an extension of the effective date of their Notice to July 16, 2023.
3. The Tenants agreed that they will move out of the rental unit no later than 1:00 p.m. on July 16, 2023.

The above terms of the settlement agreement were reviewed with all parties at the end of the hearing and all parties confirmed that they were entering into the settlement agreement on a voluntary basis. They also confirmed understanding of the terms of the settlement agreement as full and final settlement of this matter.

### Analysis

In order to enforce the conditions of the settlement agreement reached between the Landlord and Tenants, an **Order of Possession** will be granted to the Landlord.

I grant the Landlord an **Order of Possession** effective not later than 1:00 p.m. on July 16, 2023. Should the Tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

Conclusion

The parties are ordered to comply with the terms of the settlement agreement as outlined in this decision.

I grant an **Order of Possession** to the Landlord to be served on the Tenants, effective no later than 1:00 p.m. on July 16, 2023. Should the Tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme 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: May 11, 2023

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Residential Tenancy Branch