



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, OLC, FFT
 CNC, OLC, FFT

Introduction

This hearing dealt with two applications by the tenants pursuant to the Residential Tenancy Act (the “Act”).

In the first application, the tenants applied for:

- cancellation of the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent (the 10-Day Notice) pursuant to sections 46 and 55;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62; and,
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

In the second application, the tenants applied for:

- cancellation of the landlord’s One Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to section 47;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62; and,
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties were given full opportunity to be heard, to present their testimony and to make submissions. All parties confirmed they were not recording the hearing pursuant to Rule of Procedure 6.11.

Analysis

Pursuant to section 63 of the Act, the 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, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. This tenancy is ended by way of a mutual agreement and not pursuant to the 10-day Notice or the One Month Notice issued March 28th, 2023.
2. The tenants will vacate the rental unit on or before August 31, 2023, not later than 1:00 p.m.

Both parties agreed that this settlement agreement constituted a final and binding resolution of all applications before me today.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect not later than 1:00 p.m. on August 31, 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 15, 2023

Residential Tenancy Branch