



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNL**

Introduction

This hearing was convened by way of conference call in response to the Tenants' application for dispute resolution (Application) under the *Residential Tenancy Act* (Act) in which the Tenants seek:

- an order to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property dated March 31, 2023 (2 Month Notice).

The Landlord, the Landlord's agent (SP) and the two Tenants (LD and MR) 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*. The parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

LD stated the Tenants served the Notice of Dispute Resolution Proceeding and their evidence (NDRP Package) on SP on May 1, 2023. SP acknowledged the Landlord received the NDRP Package. As such, I find the NDRP Package was served on the Landlord in accordance with the provisions of sections 88 and 89 of the Act.

SP stated the Landlord did not serve any evidence on the Tenants.

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 Landlord agrees to cancel the 2 Month Notice;
2. The Tenants agree to withdraw the Application;
3. The Tenants agrees to vacate the rental unit not later than 1:00 pm on June 30, 2023;
4. The Landlord agrees that Tenants are not required to pay rent for June 2023 as the Tenants are entitled to the last month of the tenancy rent free pursuant to section 51(1) of the Act.

These particulars comprise the full and final settlement of all aspects of the Tenants' dispute against the Landlord. 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 the claim made in the Application.

Conclusion

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

I hereby order that the 2 Month Notice to be cancelled and of no force or effect.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant the Landlord an Order of Possession effective at 1:00 pm on June 30, 2023. The Landlord is provided with the Order of Possession in the above terms and the Tenants must be served with this Order as soon as possible. Should the Tenants fail to comply with the Order of Possession, it 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 21, 2023

Residential Tenancy Branch