



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL-MT

Introduction, Preliminary and Procedural Matters-

This hearing dealt with the tenants' application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for an order cancelling the Two Month Notice to End Tenancy for Landlord's Use of Property (Notice/2 Month Notice) issued by the landlord and an order extending the time to file an application disputing the Notice.

The tenant and the landlord were present for the hearing and the hearing process was explained. The parties were affirmed.

The tenant was informed that I would be unable to consider their request for an order extending the time to file an application disputing the Notice as they received the Notice on December 30, 2022, and did not file their application until February 9, 2023, significantly beyond the 15 days allowed under the Act. The latest time the tenants could file their application within the required time was **January 14, 2023**.

The Act states that I must not extend the time limit to make an application for dispute resolution to dispute a notice to end a tenancy beyond the effective date of the notice. As the effective date of the Notice was February 28, 2023, I am unable to extend the time at the hearing on June 2, 2023.

For this reason, the tenant was informed that their request to extend the time is **dismissed**.

Afterwards a mediated discussion was held. This discussion resulted in the settlement of the issues.

Mutual Settlement and Conclusion

As the parties resolved matters by agreement, I make no findings of fact or law with respect to the tenants' application or the landlords' Notice.

The parties were informed that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter. The terms of the settlement are as follows.

1. The tenancy shall end on or before 1:00 p.m. on July 1, 2023.
2. The tenant agrees to vacate the rental unit on or before 1:00 p.m. on July 1, 2023.
3. The landlord is granted an Order of Possession (Order) effective at 1:00 p.m. on July 1, 2023, which becomes enforceable should the tenants fail to vacate the rental unit by the agreed upon date and time.

The tenants are **cautioned** that costs of such enforcement of the Order, **including bailiff fees**, are recoverable from the tenants should they fail to vacate the rental unit by the agreed time and date.

I order the parties to comply with the terms of this mutual settlement.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement, or the Act, it is open to the other party to take steps under the Act to seek remedy.

This decision containing the recorded settlement 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*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: June 03, 2023

Residential Tenancy Branch