



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNL CNC**

Introduction

This hearing was convened as a result of two applications for dispute resolution made by the Tenants under the *Residential Tenancy Act* (Act). In the first application (First Application), the Tenants seek:

- cancellation of a Two Month Notice for Landlord's Own Use of Property dated January 27, 2023 (2 Month Notice) pursuant to section 49 of the Act.

In the second application (Second Application), the Tenants seek:

- cancellation of a One Month Notice for Cause dated February 23, 2023 (1 Month Notice) pursuant to section 47 of the Act.

The Landlord, a translator (SD) for the Landlord, the two Tenants (CD and MK) and an advocate (AH) for the Tenants attended the 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.

AH stated the Tenants served the Notice of Dispute Resolution Proceeding (First NDRP) for the First Application on the Landlord in person around February 10, 2023. The Landlord acknowledged he received the First NDRP from the Tenants. As such, I find the First NDRP was served on the Landlord in accordance with the provisions of section 89 of the Act.

AH stated the Tenants served the Notice of Dispute Resolution Proceeding (Second NDRP) for the Second Application on the Landlord by registered mail on March 9, 2023.

AH provided the Canada Post tracking number for service of the Second NDRP on the Landlord by registered mail to corroborate her testimony. The Landlord acknowledged he received the Second NDRP. As such, I find the Second NDRP was served on the Landlord 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 Landlord agrees to cancel the 2 Month Notice and 1 Month Notice;
2. The Tenants agree to withdraw the First Application and Second Application;
3. The Tenants agree to vacate the rental unit not later than 1:00 pm on July 31, 2023;
4. The Landlord agrees that Tenants are not required to pay rent for July 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 First and Second Applications.

Conclusion

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

I hereby order that the 2 Month Notice and 1 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 July 31, 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. If 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: June 5, 2023

Residential Tenancy Branch