



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

**Dispute Codes**      **CNC, CNL, FFT**

### **Introduction**

This hearing dealt with the Tenant's application pursuant to the *Residential Tenancy Act* (Act) for:

1. Cancellation of the Landlord's One Month Notice to End Tenancy for Cause under Sections 47 and 62 of the Act;
2. Cancellation of the Landlord's Two Month Notice to End Tenancy for Landlord's Use of Property under Section 49 of the Act; and,
9. Recovery of the application filing fee under Section 72 of the Act.

The hearing was conducted via teleconference. The Landlord and the Tenant attended the hearing at the appointed date and time. Both parties were each given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

Both parties were advised that Rule 6.11 of the Residential Tenancy Branch (RTB) Rules of Procedure prohibits the recording of dispute resolution hearings. Both parties testified that they were not recording this dispute resolution hearing.

### **Settlement**

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.

The parties reached a mutual agreement on this matter. The parties were advised there is no obligation to resolve the dispute through settlement, but that I could assist the parties to reach an agreement, which would be documented in my Decision.

The parties agreed to settle this matter as follows:

1. The tenancy will end by way of mutual agreement at 1:00 p.m. on October 31, 2023;
2. The Landlord will be granted an Order of Possession for the above tenancy end date;
3. The parties agree that if the Tenant finds alternative housing earlier than the agreed upon end date, the Tenant can provide the Landlord with written notice that he will be vacating on an earlier date;
4. The parties agree that Section 51 of the Act compensation provisions apply to this matter;
5. The Landlord agrees that the Tenant may withhold \$100.00 from one month's rent to recover his application filing fee;
6. The parties are ordered to comply with all these settlement terms; and,
7. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

The parties' rights and obligations under the Act and the tenancy agreement continue until the tenancy ends in accordance with this agreement. Both parties testified at the hearing that they confirm the accuracy of the final terms above, and that they understood and agreed to these terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

### Conclusion

Given the mutual agreement reached during the hearing, I find that the parties have settled their dispute as recorded above. To give effect to this agreement, I grant the

Landlord an Order of Possession effective at 1:00 p.m. on October 31, 2023. The Order may be filed in 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 Act.

Dated: June 08, 2023

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Residential Tenancy Branch