



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Introduction

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

- cancellation of a Two Month Notice to End Tenancy For Landlord's Use of Rental Property, pursuant to section 49 (the Two Month Notice);
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to allow access to or from the rental unit or site for the tenant or the tenant's guests pursuant to section 70.

All named parties attended the hearing. During the hearing, the parties were successful in resolving this dispute by settlement.

### Terms of Settlement

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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenants and landlords agreed the Two Month Notice to End Tenancy dated April 18, 2023 is void.
2. The tenants and landlords reached a mutual agreement to **end this tenancy** *no later than 1:00 p.m. on November 1, 2023*, and, the landlord will be granted an **Order of Possession** effective this date.

3. The landlord agrees to compensate the tenants \$9000.00 as a full and final settlement of all matters under this dispute. The compensation will be made up as follows:
  - i. The tenants are not required to pay the monthly rent of \$1734.00 for the months of August, September and October 2023.
  - ii. The landlord will pay the balance of \$3798.00 upon the tenants providing vacant possession to the landlord.
  - iii. The tenants are granted a Monetary Order for this amount and the enforceable portion of this order will be reduced in accordance with any payments made to the tenant.
4. The landlords further agree to comply with the Act and preserve the tenants right to quiet enjoyment for the duration of this tenancy.

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that the above terms comprise the full and final settlement of all aspects of this dispute.

**This Decision and Settlement Agreement is final and binding on both parties.**

#### Conclusion

I grant an Order of Possession to the landlord effective **1:00 p.m. on November 1, 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.

Pursuant to section 67 of the *Act*, I grant the tenants a Monetary Order in the amount of **\$3798.00**. Should the landlord fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court 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: July 18, 2023

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Residential Tenancy Branch