



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

### Dispute Codes

CNC and FFT (x2 – both applications)

### Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear crossed applications.

The tenant's two applications are for:

- Cancellation of the One Month Notice to end tenancy for cause, pursuant to section 47;
- Authorization to recover the filing fees for both applications, under section 72

Section 55 (1.1) of the Act requires that when a tenant submits an application for dispute resolution seeking to cancel a notice to end tenancy issued by a landlord under section 46 of the Act, I must consider if the landlord is entitled to a monetary order if the application is dismissed and the landlord has issued a notice to end tenancy that is compliant with the Act.

### 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. 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. Both parties agreed to the following final and binding settlement of all issues listed in these applications for dispute resolution:

- The One Month Notice to end tenancy is cancelled;
- Both parties agree that the tenancy will end on December 1, 2023, at 1:00 PM, at which time the tenant will give vacant possession to the landlord;
- The landlord agrees that the remaining tenancy term will be rent-free;
- The landlord agrees to pay compensation to the tenants in the sum of \$750.00 by October 31, 2023;
- The tenants agree that this settlement agreement resolves all issues and claims related to the tenancy as of the date of this hearing;
- The landlord agrees that this settlement is a final conclusion to all monetary damages and loss resulting from this tenancy as of the date of the hearing, and will not pursue any further damages against the tenants for anything that took place before the hearing

### Conclusion

To give effect to the terms of the settlement agreement reached between the parties, I grant an Order of Possession to the landlord effective at **1:00 PM on December 1, 2023, after service of this Order on the tenants**. Should the tenants or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I also grant a Monetary Order in the sum of **\$750.00** to the tenants. After service of this Order on the landlord, should the landlord fail to compensate by the date in the settlement agreement, 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: September 25, 2023

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Residential Tenancy Branch