



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, CNC, OLC, FFT / OPC, FFL

Introduction

The hearing was convened following applications for Dispute Resolution (Applications) from both parties under the *Residential Tenancy Act* (the Act), which were crossed to be heard simultaneously.

The Tenant seeks the following:

- An order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (The 10 Day Notice) under section 46(4)(b) of the Act;
- An order cancelling a One Month Notice to End Tenancy for Cause (the One Month Notice) under section 47(4) of the Act;
- For the Landlord to comply with the Act, *Residential Tenancy Regulation* or the tenancy agreement under section 62 of the Act; and
- To recover the cost of the filing fee under section 72 of the Act.

The Landlord seeks the following:

- An Order of Possession based on the One Month Notice under section 55(2)(b) of the Act; and
- To recover the cost of the filing fee under section 72 of the Act.

Settlement

Per section 63 of the Act, an arbitrator may assist the parties to settle their dispute. 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 were able to reach a compromise and achieved a resolution of their dispute on mutually agreed terms.

Both parties agreed to the following final and binding settlement of all issues listed in both Applications:

- The Tenant will provide the Landlord with vacant possession of the rental unit by 1:00 PM on November 23, 2023.
- Both parties agreed that this settlement agreement constituted a final and binding resolution of both parties' Applications.

To give effect to the settlement reached between the parties and, as discussed with them during the hearing, per section 63(2) of the Act, I issue an Order of Possession to the Landlord which is to take effect by 1:00 P.M. on November 23, 2023.

As the parties have reached a settlement, I make no factual findings about the merits of the Applications.

As I am not deciding on the matter before me, I dismiss without leave to reapply both parties' request to recover the filing fee for the Application.

Conclusion

The parties agreed to settlement on final and binding terms.

The Landlord is issued an Order of Possession effective 1:00 PM on November 23, 2023. A copy of the Order of Possession is attached to this Decision and must be served on the Tenant. If the Tenant does not comply with the Order of Possession, it may be filed by the Landlord with 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 Act.

Dated: November 03, 2023

Residential Tenancy Branch