

## **DECISION**

### **Introduction**

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

The Tenants' application (file number ending in 033) pursuant to the Act is for:

- Cancellation of the Landlord's Two Month Notice to End Tenancy for Landlord's Use of Property (Two Month Notice) under section 49 of the Act
- An order requiring the Landlord to comply with the Act, regulation or tenancy agreement under section 62 of the Act
- Authorization to recover the filing fee for this application from the Landlord under section 72 of the Act

The Landlord's application (file number ending in 673) pursuant to the Act is for:

- An order of possession under a Two Month Notice to End Tenancy for Landlord's use of property (the Two Month Notice), pursuant to sections 49 and 55;
- Authorization to recover the filing fee for this application from the Tenants under section 72 of the Act

### **Preliminary Matters**

The Tenants' application includes a secondary claim regarding orders for the Landlord to comply with the Act. Pursuant to Rule 2.3 of the Rules of Procedure, claims in an application must be related to one another. Where they are not sufficiently related, I may dismiss portions of the application that are unrelated.

The primary issue in both applications is whether the tenancy will end. I find that the Tenants' claims under section 62 of the Act (order that the Landlord comply) is not sufficiently related to the Landlord's notice to end tenancy to be heard at the same time.

This claim is dismissed with leave to reapply, if the matter cannot be resolved between the parties following the settlement agreement reached at this hearing.

## Settlement

Under section 63 of the Act, the 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 this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of the Tenant's application and the issues in dispute arising out of this tenancy at this time and that they did so of their own free volition and without any element of coercion:

- The Two Month Notice dated September 15, 2023, is cancelled;
- The parties reached a mutual agreement to end tenancy - this tenancy will end by 1:00 PM on June 30, 2024, by which time the Tenants agreed to have vacated the rental unit;
- Monthly rent will be \$2,500.00 until the mutually agreed end of tenancy date.

## Conclusion

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant an Order of Possession to the Landlord effective **on June 30, 2024, at 1:00 PM, after service of this Order** on the Tenants. Should the Tenant 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.

Until the mutually agreed date that this tenancy ends, rent will be \$2,500.00 per month.

The Tenant's claim for the Landlord to comply with the Act, regulation or tenancy agreement under section 62 of the Act is dismissed, with leave to reapply.

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: January 9, 2024

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Residential Tenancy Branch