

DECISION

Introduction

This hearing dealt with the Tenant's Application under the *Residential Tenancy Act* (the Act) 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

At the outset of the hearing the parties indicated their intention to settle their dispute.

Analysis

Under section 64.2 of the Act, the Arbitrator may assist the parties to settle their dispute and record the settlement in the form of a decision.

Both parties voluntarily agreed to the following terms of a final and binding settlement:

1. This tenancy will end on September 30, 2024, by which time the Tenant agreed to have vacated the rental unit.
2. The Tenant will deduct 100% of the rent for the month of September 2024, as compensation for the tenancy ending under section 49 of the Act.
3. Both parties agreed that these terms are the full settlement of all aspects of the Tenant's current application for dispute resolution.

Conclusion

For clarity to both parties, this tenancy ends under section 49 of the Act, pursuant to the Two Month Notice dated June 29, 2024. The Tenant's agreement to vacate the rental unit during this proceeding does not absolve the Landlord of their obligations under sections 49 and 51 of the Act.

The Landlord must use the rental unit for the stated purpose within a reasonable period after the effective date of the Order of Possession, and for at least 12 months as required under section 51 of the Act.

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 September 30, 2024**. The Landlord must serve this Order to the Tenant. The Tenant must move out on or before September 30, 2024.

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.

Under sections 51 and 64.2 of the Act, I Order the Tenant not to pay the rent for the month of September 2024.

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: August 26, 2024

Residential Tenancy Branch