

DECISION

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, filed on August 7, 2024, 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

This hearing also dealt with the Landlord's Application for Dispute Resolution, filed on September 7, 2024, under the Act for:

- an Order of Possession based on a One Month Notice to End Tenancy For Cause under sections 47 and 55 of the Act.

Tenant N.J.E. attended the hearing for the Tenant.

Landlord's Agent S.M. Landlord A.D. attended the hearing for the Landlords.

Preliminary Matters

The Tenant's application was for cancellation of a Two Month Notice to End Tenancy Issued Because Tenant Does Not Qualify for Subsidized Rental Unit. However, the Notice to End Tenancy was for Landlord's Use and Possession. Under section 64(3)(c) of the Act, and rule of Procedure 4.1, I amend the Tenant's application to reflect the Notice to End Tenancy that was served under section 49 of Act for Landlord's Use of Property.

During the hearing the parties indicated their intention to settle their dispute.

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:

- 1) The Two Month Notice to End Tenancy for Landlord's Use of Property, issued by the Landlord on September 17, 2024, is withdrawn by the Landlord.
- 2) Both parties agreed that this tenancy will end by 1:00 p.m. on November 30, 2024, by which time the Tenant agreed to have vacated the rental unit.
- 3) Both parties agreed that this tenancy ends by way of mutual agreement.
- 4) As compensation for rent overpayments during the tenancy the Landlord will credit the Tenant \$1,275.00 towards October 2024 rent.
 - a) The Tenant will pay \$225.00 to the Landlord by October 2, 2024 as rent for October 2024.
- 5) The Tenant will pay \$1,500.00 on November 1, 2024 as rent for November 2024.
- 6) Both parties agreed that these particulars comprise the full settlement of all aspects of the Tenant's and the Landlord's current application for dispute resolution as well as any claims regarding rent overpayments.

Conclusion

In order 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 November 30, 2024, after service of this Order** on the Tenant. 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.

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: October 17, 2024

Residential Tenancy Branch