



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **SETTLED DECISION**

Dispute Codes CNL, FF

### Introduction

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking cancellation of a 2 Month Notice to End Tenancy for Landlord's Use of the Property (the "Notice") and for recovery of the filing fee.

The parties appeared and each representative submitted some of their respective positions.

Thereafter a mediated discussion ensued and the parties agreed to resolve their differences.

### Issue(s) to be Decided

Will the tenant agree to vacate and will the landlord be issued an order of possession for the rental unit?

Can the parties reach a mutual agreement to resolve this dispute?

### Settled Agreement

The tenant and the landlord agreed that they could resolve their differences and reach a mutual settlement under the following terms and conditions:

1. The tenant agrees to vacate the rental unit by 1:00 p.m. on February 28, 2013;
2. The landlord agrees that the tenancy will continue until February 28, 2013, at 1:00 p.m.;
3. The tenant understands the landlord will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenant fails to vacate the rental unit by 1:00 p.m., February 28, 2013, the landlord may serve the order of possession on the tenant and obtain a writ of possession;

4. The parties acknowledge that the tenant will not owe monthly rent for the month of February 2013 as compensation for being served a 2 Month Notice to End Tenancy for Landlord's Use of the Property; and
5. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the tenant's application and that no finding is made on the merits of the said application for dispute resolution.

### Conclusion

The tenant and the landlord have reached a settled agreement.

Based upon the settled agreement as outlined above, I provide the landlord with an order of possession for the rental unit in the event the tenant fails to vacate the rental unit by February 28, 2013, at 1:00 p.m.

The order of possession is enclosed with the landlord's Decision. This order is a legally binding, final order, and may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court if the tenant fails to comply with the terms of the order.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

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* and is being mailed to both the applicant and the respondent.

Dated: January 02, 2013.

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Residential Tenancy Branch

