



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION AND RECORD OF SETTLEMENT

Dispute Codes CNC-4M OLC FF

Introduction

This hearing was convened in response to an application by the tenant pursuant to the *Residential Tenancy Act* (the “Act”) to cancel a 4 Month Notice to End for Landlord’s Use and recover the filing fee. Both parties attended the hearing and provided testimony. The landlord confirmed receiving the Notice of Dispute Resolution Proceeding and the tenant’s application. The parties acknowledged exchange of evidence

Issue(s) to be Decided

Should the Notice to End of this matter be cancelled, and if not, is the landlord entitled to an Order of Possession?

Is the tenant entitled to recovery of the filing fee?

Evidence and Background

This tenancy began in 2014. The parties agreed that in January 2019 the tenant received a 4 Month Notice to End for Landlord’s Use with an effective date of May 31, 2019.

Analysis

During the course of the hearing the parties briefly discussed their dispute and all agreed to settle this dispute to the satisfaction of both parties.

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing and an Arbitrator may record their settlement as a Decision and Order. Pursuant to this provision, some discussion between the parties

led to resolution respecting the 4 Month Notice to End. As a result the parties confirmed to me that **they both agreed as follows;**

1. **The tenancy will end August 31, 2019** and the landlord will receive an **Order of Possession** effective the agreed date.
2. That the landlord is **cancelling** their application with the file number referenced in the *style of cause (title page)* with a hearing date of **May 13, 2019 @9:30 a.m.**

Both parties testified in the hearing confirming to me that they understood and agreed to the above terms, and that the settlement particulars comprise the full and final settlement of this matter and status of the tenancy.

So as to perfect this settlement agreement,

The landlord is given an **Order of Possession**, effective **August 31, 2019**. The tenant must be served with this Order. If the tenant fails to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

As the parties settled this matter I decline to grant the tenant the filing fee.

It must be noted by the parties that this settlement agreement does not negate the tenant's entitlement to compensation as prescribed by the Act for them receiving a 4 Month Notice to End. Further it must be noted that if the tenant determines to vacate earlier than agreed they must provide the landlord with the prescribed Notice.

Conclusion

The parties settled their dispute in the above terms.

This Decision and Settlement agreement are final and binding.

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.

Dated: April 09, 2019

Residential Tenancy Branch