



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION AND RECORD OF SETTLEMENT

Dispute Codes CNL- 4M OLC FF

Introduction

This hearing was convened in response an application by the tenant under the *Residential Tenancy Act* (the Act) primarily seeking to cancel the landlord's Four Month Notice to End Tenancy pursuant to Section 49(6)(b) of the Act with an effective date of December 31, 2019. The tenant, and the landlord principals with legal counsel, all attended the conference call hearing. At the outset of this hearing proceeding the parties briefly discussed the tenant's application and relevant matters at hand with view to a settlement.

Analysis and Conclusion

Section 63 of the *Residential Tenancy Act* provides that parties may settle their dispute during a hearing and an Arbitrator may record the settlement in the form of a Decision or Order. Pursuant to this provision, the parties turned minds to compromise and some discussion between them during the hearing led to a resolution. Specifically, the parties agreed to, and each confirmed to me, as follows;

1. The parties agree that the tenancy will end **December 31, 2019**, and that the landlord is provided an Order of Possession reflecting the agreed end of tenancy date.
2. As per Section 51 of the Act, the tenant will not be required to satisfy the payable rent of the unit for the month of December 2019.
3. The landlord will pay the tenant the amount of \$2500.00 and return the security deposit of \$450.00, in all to the sum of **\$2950.00**, on or before the end of tenancy date.
4. The tenant agrees to waive / abandon their 'right of first refusal' entitlement afforded by Section 51.2(1) to enter to enter into a new tenancy agreement respecting the

rental unit upon completion of the renovations or repairs for which the Notice was issued. The tenant agrees that before vacating the rental unit they **will not** give the landlord a notice that they intend to enter into a new tenancy agreement.

The terms of the agreement comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified they understood and agreed to the above terms as being a full and final resolve to this dispute and the tenancy for all time.

So as to perfect the parties' agreement,

ORDERS

*The tenant is given a **Monetary Order** in the amount of **\$2950.00** to reflect condition 3 of this agreement. If the landlord does not satisfy the agreed amount, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.*

*The landlord is given an **Order of Possession, effective December 31, 2019** to reflect condition 1 of this agreement. The tenant must be served with this Order. If the landlord serves the Order of Possession on the tenant and 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.*

The parties agreed to settle all matters related to the 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: November 19, 2019

Residential Tenancy Branch