



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC, FFT

Introduction

The tenants filed an Application for Dispute Resolution on June 1, 2021 seeking an order that cancels the Two Month Notice to End Tenancy for the Landlord's Use of the Property (the "Two-Month Notice"). The tenants also claimed for the landlord's compliance with the legislation and/or tenancy agreement, and reimbursement of the Application filing fee. The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the "*Act*") on September 30, 2021.

Both parties attended and confirmed they received the prepared documentary evidence in advance of the hearing. A former property manager attended the hearing to advise they were no longer managing the property in question on behalf of the landlord/owner. Their attendance was the result of being served notice of the hearing by the tenants; this was the result of an administrative error on the part of the current landlord's agent. All parties in attendance agreed to this and I have so amended the Respondent's name on the cover page of this decision; that former management company is excluded from any decision in this matter.

Settlement Terms

Each party made submissions concerning the Two-Month Notice issued by the landlord on June 1, 2021. That document listed the end-of-tenancy date of August 31, 2021. The tenants have advised they were actively making arrangements for their own real estate purchase and stated they could vacate the rental unit by November 30, 2021.

Pursuant to s. 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties agree on the terms, the settlement may be recorded in the form of a

decision. After discussion on the issues and the practical matter of ending the tenancy, both parties reached an agreement on the end-of-tenancy date.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

- The tenants shall not pay rent for the month of November 2021 – this is based on the issuance of the Two-Month Notice, and in line with s. 51 of the *Act*;
- The tenancy shall end on November 30, 2021 by 1:00pm.

The tenants agreed that this settlement agreement constitutes a final and binding resolution of their Application at this hearing. Given that the tenancy will end on November 30, 2021, I find the landlord's compliance with the legislation and/or tenancy agreement is not relevant to the relations between the parties going forward. This portion of the tenants' Application is dismissed without leave to reapply.

These particulars above comprise the full and final settlement of all aspects of this dispute for both parties. Both parties affirmed at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties affirmed that they understood and agreed that the above terms are legal, final, binding and enforceable and settle all aspects of this dispute.

Conclusion

The landlord's Two-Month Notice issued June 1, 2021 is cancelled and of no force or effect.

To give effect to the settlement reached between the parties, I issue the attached Order of Possession to be used by the landlord only if the tenants and any other occupants fail to vacate the rental premises by 1:00 p.m. on November 30, 2021. The landlord must serve the tenants this order if needed. Should the tenants fail to comply with the Order of Possession, it may be filed and enforced as an Order of the Supreme Court of British Columbia.

Given this settlement, the tenants must bear the cost of the \$100 filing fee paid for this Application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: September 30, 2021

Residential Tenancy Branch