



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, LRE, OLC

Introduction

On August 2, 2021, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting to cancel a Two Month Notice to End Tenancy for Landlord’s Use of Property, an order for the Landlord to comply with the Act, and an order for to set conditions on the Landlord’s right to enter the rental unit. The matter was set for a participatory hearing via conference call.

The Landlords and their counsel, and the Tenants attended the hearing and provided testimony. Prior to affirming the parties and providing an opportunity for the parties to provide testimony and evidence, the parties were involved in a discussion regarding an issue with the Application. Before this was sorted out, the parties were invited to discuss the potential of a settlement.

Preliminary Matters

Section 63 of the Act allows an Arbitrator to assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision and include an Order. Accordingly, I assisted the parties to resolve this dispute by helping them negotiate terms for a Settlement Agreement with the input from both parties.

Settlement Agreement

The Landlords and Tenants confirmed during the hearing that this agreement was made voluntarily and that it was made in full satisfaction of the Tenants’ Application.

1. The Landlords agreed to withdraw the 2 Month Notices to End Tenancy for Landlord’s Use of Property, dated July 27, 2021, related to both tenancies.
2. The Landlords and the Tenants mutually agreed to end their tenancies as of January 15, 2022.
3. The Landlords agreed to provide one month’s rent in compensation for each of the tenancies.
4. The parties agreed that a move-out inspection would be scheduled for each rental unit on January 15, 2022.

5. The parties agreed that the Landlords could have access to the residential property on September 15, 2021 for the purposes of parking and storing their vehicles.
6. This Application is now closed.

This agreement was summarized for the parties on two occasions and all parties in attendance at the hearing indicated that they agreed to resolve this dispute under these terms. The Landlords, their counsel, and the Tenants both acknowledged that they understood they were not required to enter into this agreement and that they understood the agreement was final and binding.

Conclusion

The above Settlement Agreement is made in full satisfaction of the Tenants' Application.

As discussed with parties during the hearing, to give effect to the settlement reached between them, I issue the attached Orders of Possession to be used by the Landlords only if the Tenants fail to vacate the rental units by 1:00 p.m. on January 15, 2022. The Landlords are provided with these Orders in the above terms and the Tenants must be served with the applicable Order in the event that the Tenants do not vacate the rental units as agreed to in the Settlement Agreement. Should the Tenants fail to comply with the applicable Order, the applicable 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 *Residential Tenancy Act*.

Dated: September 15, 2021

Residential Tenancy Branch