



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Tenant's application submitted on May 24, 2022: CNL
Tenant's application submitted on July 11, 2022: CNR

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy.

The tenant applied on May 24, 2022 for the cancellation of the Two Month Notice to End Tenancy for Landlord's Use (the Two Month Notice), issued pursuant to section 49.

The tenant applied on July 11, 2022 for the cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the 10 Day Notice), issued pursuant to section 46.

Tenant BT (the tenant) and landlord JW (the landlord) attended the hearing. The landlord represented landlord NL. Witness for the landlord WW also attended. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing all the parties were clearly informed of the Rules of Procedure, including Rule 6.10 about interruptions and inappropriate behaviour, and Rule 6.11, which prohibits the recording of a dispute resolution hearing. All the parties confirmed they understood the Rules of Procedure.

Per section 95(3) of the Act, the parties may be fined up to \$5,000.00 if they record this hearing: "A person who contravenes or fails to comply with a decision or an order made by the director commits an offence and is liable on conviction to a fine of not more than \$5,000.00."

Settlement

Pursuant to section 63 of the Act, an arbitrator may 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 or an order. During the hearing

the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all the issues listed in these applications for dispute resolution:

1. The rental unit is the entire house, including the basement and the main units.
2. The tenant agrees to provide the landlord with vacant possession of the subject rental unit on October 22, 2022 at 1:00 P.M.
3. Both parties are at liberty to submit applications for any monetary claims related to the tenancy.
4. The tenancy is ending because of the ten day notice dated July 05, 2022.
5. The landlords and the tenant agree to be served documents, including notices of hearing, to the email addresses recorded on the cover page of this decision.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the landlord, which is to take effect on October 22, 2022 at 1:00 P.M. The landlord is provided with this order in the above terms and must serve it on the tenant in accordance with the Act. If the tenant fails to comply with this Order, this 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: October 04, 2022

Residential Tenancy Branch