



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding MIDDLEGATE DEV LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

Tenant: CNC, FFT
Landlord: OPC, FFL

Introduction

This hearing dealt with the parties' cross-applications under the *Residential Tenancy Act* (the "Act").

The Tenant applied under the Act for:

- cancellation of a One Month Notice to End Tenancy for Cause dated October 6, 2022 (the "One Month Notice") pursuant to section 47; and
- authorization to recover the filing fee for Tenant's application from the Landlord pursuant to section 72.

The Landlord applied under the Act for:

- an Order of Possession under the One Month Notice pursuant to section 55; and
- authorization to recover the filing fee for Landlord's application from the Tenant pursuant to section 72.

The Tenant and the Landlord's manager LN attended this hearing.

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.

The parties agreed to the following final and binding settlement of the issues under dispute in the applications being heard:

1. The Tenant and any other occupant will vacate the rental unit by 1:00 pm on April 30, 2023.

The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as final, binding, and enforceable, which settle the issues raised on the current applications only.

I take this opportunity to further remind the parties that their rights and responsibilities under the Act, the regulation, their tenancy agreement continue for the duration of the tenancy. Pursuant to section 60 of the Act, either party may make claims related to the tenancy within two years of the date that the tenancy ends.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application and make no award regarding the filing fees.

To give effect to the settlement reached between the parties and as discussed at the hearing, I grant the Landlord an Order of Possession which orders that the Tenant and any other occupant provide vacant possession of the rental unit to the Landlord by **1:00 pm on April 30, 2023**. This Order may be served upon the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

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: February 27, 2023

Residential Tenancy Branch