



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of a Two Month Notice to End Tenancy For Landlord's Use of Rental Property, pursuant to section 49 (the Two Month Notice);
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

All named parties attended the hearing. Prior to the formal conclusion of the hearing, the parties were successful in resolving this dispute by mutual agreement.

Terms of 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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The parties agreed to mutually end this tenancy *no later* than **1:00 p.m. on September 1, 2023**, and, the landlord will be granted an **Order of Possession** effective this date.
2. The landlord agrees to provide the tenants three months rent free and the tenants shall be entitled to apply that to the months of June, July and August 2023.
3. The tenants may end the tenancy early by providing the landlord with at least 10 day's written notice to end the tenancy on a date that is earlier than September 1, 2023. A notice from the tenants to end the tenancy earlier than September 1,

2023, does not affect the tenants' right to three months free rent. If the tenancy is ended earlier by the tenants, the last three months of tenancy shall constitute the three-month free period. If the tenants had previously paid rent for any of this period, the landlord agrees to reimburse the tenants.

As the tenants would have been successful in this application had the parties not reached the above settlement, the tenants are awarded the filing fee for this application. **The tenants may reduce a future rent payment by the amount of \$100.00.**

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that the above terms comprise the full and final settlement of all aspects of this dispute.

This Decision and Settlement Agreement is final and binding on both parties.

Conclusion

I grant an Order of Possession to the landlord effective **1:00 p.m. on September 1, 2023**. Should the tenants fail 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: April 18, 2023

Residential Tenancy Branch