



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNL**

Introduction

This hearing was convened by way of conference call in response to the Tenants' application for dispute resolution ("Application") under the *Residential Tenancy Act* (the "Act") in which the Tenants seek an order to cancel Two Month Notices to End Tenancy for Landlord's Use of Property.

The two Tenants ("AK" and "NK"), their advocate and one of the two Landlords ("SD") attended the hearing. They were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

AK stated the Tenants served the Notice of Dispute Resolution Proceeding ("NDRP") on the Landlords in-person on December 16, 2022. SD acknowledged the Landlords received the NDRP. As such, I find the NDRP was served on the Landlords pursuant to section 89 of the Act.

Settlement Agreement

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 all issues currently under dispute:

1. The Landlord agrees to cancel the 2 Month Notices;
2. The Tenants agree to withdraw the Application;

3. The Tenants agrees to vacate the rental unit not later than 1:00 pm on May 31, 2023;
4. If the Tenants have not already received one month rent free pursuant to section 51(1) of the Act, then they are not required to pay rent for May 2023. If the Tenants have already received the last month rent free pursuant to section 51(1) of the Act, then they must pay the Landlords the rent for May in full by May 1, 2023; and
5. This settlement does not alter the rights of the Tenants under section 51(2) of the Act.

These particulars comprise the full and final settlement of all aspects of the Tenant's dispute against the Landlord. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of claims made in the Application.

Conclusion

As the parties have reached a full and final settlement of the Tenants' claim set out in the Application, I make no factual findings about the merits of the Application.

I hereby order that the 2 Month Notices to End Tenancy to be cancelled and of no force or effect.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant the Landlords an Order of Possession effective at 1:00 pm on May 31, 2023. The Landlords are provided with this Order in the above terms and the Tenants must be served with this Order as soon as possible. Should the Tenants fail to comply with this Order, this Order may be filed in 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: April 21, 2023

Residential Tenancy Branch