



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL-MT, FF

Introduction, Preliminary and Procedural Matters-

This hearing dealt with the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for an order cancelling the Two Month Notice to End Tenancy for Landlord's Use of Property (Notice/2 Month Notice) issued by the landlord, an order extending the time to file an application disputing the Notice, and recovery of the filing fee

The tenant and the landlord's agent were present for the hearing and the hearing process was explained. The parties were affirmed.

After hearing from the tenant, I determined the tenant submitted insufficient evidence that exceptional circumstances prevented them from filing their application within the 15 days allowed. The tenant presented that he asked the landlord for some documents and delayed filing their application in order to wait for a response, which I do not find exceptional circumstances.

Afterwards a mediated discussion was held. This discussion resulted in the settlement of the issues.

Mutual Settlement and Conclusion

As the parties resolved matters by agreement, I make no findings of fact or law with respect to the tenant's application or the landlord's Notice.

The parties were informed that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter. The terms of the settlement are as follows.

1. The tenancy shall end on or before 1:00 p.m. on November 30, 2023.
2. The tenant agrees to vacate the rental unit by or before 1:00 p.m. on November 30, 2023.
3. The landlord is granted an Order of Possession (Order) effective at 1:00 p.m. on November 30, 2023, which becomes enforceable should the tenant fail to vacate the rental unit by the agreed upon date and time.

The tenant is **cautioned** that costs of such enforcement of the Order, **including bailiff fees**, are recoverable from the tenant should they fail to vacate the rental unit by the agreed time and date.

I order the parties to comply with the terms of this mutual settlement.

The landlord's agent was reminded that the tenant is entitled to receive monetary compensation under section 51(1) of the Act. The Act also allows a tenant to withhold the amount authorized from the last month's rent.

As I made no finding of fact or law on the tenant's application, I decline to award recovery of the filing fee.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement, or the Act, it is open to the other party to take steps under the Act to seek remedy.

This decision containing the recorded settlement 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 16, 2023

Residential Tenancy Branch