



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, RP, CNL, LRE, FFT x2

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear cross applications.

The tenant's two applications pursuant to the Act are for:

- Cancellation of a 10-Day Notice to End Tenancy for Unpaid Rent or Utilities (the 10 Day Notice) pursuant to section 46;
- An order requiring the landlord to carry out repairs, pursuant to section 32;
- Cancellation of the Two Month Notice to End Tenancy for Landlord's Use (the Two Month Notice), issued pursuant to section 49;
- An order to restrict or suspend the landlord's right of entry, under section 70;
- An authorization to recover the filing fees for these applications, under section 72

Settlement

Under section 63 of the Act, the Arbitrator may assist the parties to settle their dispute. 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 this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of the tenant's application and the issues in dispute arising out of this tenancy at this time and that they did so of their own free volition and without any element of coercion:

- The tenants agree to withdraw their dispute of the Two Month Notice;
- The landlord agrees that the 10 Day Notice is cancelled and of no effect;
- The landlord agrees to amend the move-out date of the Two Month Notice to November 30, 2023, at 1:00 PM;
- Both parties agree that the tenancy will end on November 30, 2023, at 1:00 PM;
- The tenants agree to pay rent in the amount of \$2,250.00 for August, September, and October 2023;
 - Both parties agree that this amount will be paid by the three \$750.00 uncashed cheques currently in the landlord's possession;
- As required when ending a tenancy for landlord's use, the landlord agrees that the month of November 2023 will be rent-free;
- The landlord agrees to pay the tenants the sum of \$100.00 representing half of the filing fees for the two applications resolved at the hearing;
- Both parties agreed that these particulars comprise the full settlement of all aspects of the tenants' applications for dispute resolution.

Conclusion

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant an Order of Possession to the landlord effective **on November 30, 2023, at 1:00 PM, after service of this Order** on the tenants. Should the tenants or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I also grant the tenants a Monetary Order in the **amount of \$100.00** to be served to the landlord. If the landlord fails to comply with the Order, this Order may be filed in the Small Claims Division of the Provincial Court 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: October 12, 2023

Residential Tenancy Branch