



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNL, CNQ
 CNL

Introduction

This hearing dealt with the tenants' two Applications for Dispute Resolution under the *Residential Tenancy Act* (the "Act"). In the first application, the Tenant applied for:

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property under section 49 of the Act
- cancellation of the landlord's Two Month Notice to End Tenancy Because the Tenant Does not Qualify for Subsidized Rental Unit pursuant to section 49.1 of the Act

In an additional application, the Tenant again applied for:

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property under section 49 of the Act

XE (the "Landlord") and current owner of the residential property attended the hearing with DL, the Landlord's agent attending as their witness.

MB and HK (the "Purchasers") appeared at the hearing, with JG, their realtor appearing as their agent.

The parties were cautioned that recording of the hearing is prohibited pursuant to Rule of Procedure 6.11. The parties were given full opportunity under oath to be heard, to present evidence and to make submissions.

Preliminary Matters

At the outset of the hearing, the parties confirmed that XC is the current owner and Landlord of the property in question. Based on this confirmation and pursuant to section 64(3) of the Act, I have amended the Tenant's application to include XC as the sole respondent to this proceeding.

The Tenant confirmed that they erred in filing duplicate applications for cancellation of the landlord's Two Month Notice for Landlord's Use of Property. Based on that confirmation, the Tenant second application for cancellation of the Landlord's Two Month Notice for Landlord's Use of Property is withdrawn.

The Tenant further confirmed that they applied for cancellation of the landlord's Two Month Notice to End Tenancy Because the Tenant Does not Qualify for Subsidized Rental Unit in error. Based on that confirmation, the Tenant's application for cancellation of the landlord's Two Month Notice to End Tenancy Because the Tenant Does not Qualify for subsidized Rental Unit is withdrawn.

The hearing proceeded on the Tenant's Application for cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property under section 49 of the Act.

Analysis

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 free of any duress and coercion:

1. The Tenant will move out of the rental unit by October 31, 2023, at 1:00 p.m.
2. The Landlord agrees to provide the Tenant with one month's free rent in keeping with section 51(1) of the Act.
3. The Landlord agrees to pay the Tenant the amount of \$1,811.78.
4. The security deposit will remain in trust until the end of the tenancy and will be handled in accordance with section 38 of the Act.
5. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

In order 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 October 31, 2023, at 1:00 p.m., after service of this Order** on the Tenant. Should the Tenant 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 further issue a Monetary Order in the Tenant's favour in the amount of **\$1,811.78** against the Landlord. The Tenant is provided with a Monetary Order in the above terms. To give effect to this Order, the Landlord must be served with this Order. Should the Landlord fail to comply with this 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