

DECISION

Dispute Codes: *ET, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy early?

Background and Evidence

The tenant rented the rear suite of the home, on July 01, 2010. There are two other rental units in the house. One is located on the main floor and the other is a bachelor suite located on the lower level. Due to problems between the tenants of the main floor and the respondent tenant, the landlord added an addendum to the rental agreement which addressed the issues of laundry times, parking and use of different areas on the rental property. This addendum is signed by all three tenants.

In most respects there is vast contrast in the testimony of the respondent and landlord's witness who is the occupant of the rental unit on the main floor. The relationship between these tenants has progressively deteriorated over the term of the tenancy making resolution of issues, at best, frustrating for both parties.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties 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 this hearing, the parties reached an agreement to settle their dispute.

Specifically, both parties agreed to the following:

- The tenant agreed to move out on or before 1:00 p.m. on January 31, 2011. An order of possession will be issued to the landlord, effective this date.
- The landlord agreed to allow the tenancy to continue until January 31, 2011.
- Both parties agreed to abide by the terms of the tenancy agreement and the addendum that was signed on August 16, 2010.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Pursuant to the above agreement and section 55(2) of the *Residential Tenancy Act*, I am issuing a formal order of possession effective January 31, 2011. The Order may be filed in the Supreme Court for enforcement.

Conclusion

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the landlord's request to recover the filing fee paid for this application. I grant the landlord an order of possession effective January 31, 2011.

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: November 22, 2010.

Dispute Resolution Officer