

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for an early end to this tenancy and an Order of Possession pursuant to section 56.

Both parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. As the parties agreed that the landlord handed the tenant her dispute resolution hearing package to the tenant on February 19, 2011, I am satisfied that the landlord served this package to the tenant in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession?

Background and Evidence

The tenant moved into this rental unit on September 1, 2005. Monthly rent by the end of this tenancy was set at \$1,150.00 plus utilities. The landlord continues to hold the tenant's \$500.00 security deposit plus interest paid on or about September 1, 2005.

The landlord applied for an early end to this tenancy because the tenant caused serious damage to the suite when he plugged drainage and caused extensive flooding to the rental suite and suites on lower levels of this building. The landlord asked for an early end to this tenancy as she needs to undertake repairs immediately to avoid mould and lessen the long-term effects of the damage caused to the property.

Analysis

Pursuant to Section 63 of the *Act*, the dispute resolution officer 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.

The parties advised that they had discussed this matter, put their minds to compromise and were willing to settle their dispute. They agreed to settle the issues in dispute in the landlord's application on the following terms.

1. The tenant will vacate the rental premises by one o'clock in the afternoon on February 28, 2011, at which time this tenancy will end.
2. These particulars comprise the full and final settlement of the issues in dispute with respect to the landlord's application.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession to be used by the landlord if the tenant does not vacate the rental premises in accordance with their agreement. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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*.