



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This hearing dealt with the landlord's application pursuant to section 55 of the *Residential Tenancy Act* (the *Act*) for an Order of Possession for Landlord Use of the Property. Both parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. The parties agreed that the landlord provided the tenants with the 2 Month Notice to End Tenancy for Landlord Use of Property (the Notice) on January 18, 2011. The parties agreed that the landlord posted his application for dispute resolution on the tenant's door on March 29, 2011 and the tenants received that application. I am satisfied that the landlord served these documents to the tenants in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

This month-to-month tenancy commenced in January 2005. Monthly rent is set at \$750.00, payable in advance on the first of the month. The landlord continues to hold the tenants' security deposit for half the 2005 rent paid when the tenants moved into the rental unit.

The landlord's Notice required the tenants to vacate the rental unit by April 1, 2011.

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.

During this hearing, the parties discussed the landlord's application, turned their minds to compromise and agreed to settle their dispute. The parties agreed to settle the issues in dispute on the following terms:

1. The tenants agreed to vacate the rental premises by one o'clock in the afternoon on April 30, 2011.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties.

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 tenants do not vacate the rental premises in accordance with their agreement. Should the tenants 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*.