



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

SETTLED DECISION

Dispute Codes ET

Introduction

This hearing was convened as the result of the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act"), seeking to end the tenancy earlier than by operation of a 1 Month Notice to End Tenancy for Cause and for an order of possession for the rental unit.

The parties and their representatives appeared and were affirmed into the hearing.

Thereafter each party and representative submitted some of their respective positions.

Subsequently a mediated discussion ensued and the parties agreed to resolve their differences.

Issue(s) to be Decided

Will the tenants agree to vacate the rental unit and will the landlord be issued an order of possession for the rental unit?

Can the parties reach a mutual agreement to resolve this dispute?

Settled Agreement

The landlord and the tenants agreed that they could resolve their differences and reach a mutual settlement under the following terms and conditions:

1. The tenants agree to vacate the rental unit by 1:00 p.m. on February 28, 2013;
2. The landlord agrees that the tenancy will continue until February 28, 2013, at 1:00 p.m.;
3. The tenants understand the landlord will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenants fail to vacate the rental unit by 1:00 p.m., February 28, 2013, the landlord may serve the order of possession on the tenants and obtain a writ of possession;
4. The tenants agree that they will not exhibit any aggressive or threatening behaviour during the balance of the tenancy; and

5. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the landlord's application and that no finding is made on the merits of the said application for dispute resolution.

Conclusion

The landlord and the tenant have reached a settled agreement.

Based upon the settled agreement as outlined above, I provide the landlord with an order of possession for the rental unit in the event the tenants fail to vacate the rental unit by February 28, 2013, at 1:00 p.m. This final, legally binding order of possession is enclosed with the landlord's Decision.

Should the tenants fail to vacate the rental unit pursuant to the terms of the order, this order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

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* and is being mailed to both the applicant and the respondent.

Dated: January 15, 2013

