



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with an Application for Dispute Resolution filed on February 12, 2013 by the Landlord to end the tenancy early and to obtain an Order of Possession.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other and gave affirmed testimony. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however each declined and acknowledged that they understood how the conference would proceed.

During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

### Issue(s) to be Decided

Have the parties mutually agreed to end this tenancy?

### Background and Evidence

The parties affirmed that they entered into a month to month tenancy that began on August 1, 2012. Rent is payable on the first of each month in the amount of \$1,500.00 and on August 1, 2012 the Tenants paid \$650.00 as the security deposit and about three months later they paid \$225.00 as the pet deposit.

During the course of this proceeding the parties mutually agreed to settle this matter and end the tenancy.

### Analysis

The parties agreed to settle this matter on the following terms:

- 1) The Landlord agrees to withdraw his application in favor of this settlement; and
- 2) The parties mutually agree to end this tenancy on **February 28, 2013 at 1:00 p.m.** ; and
- 3) If the Tenants breach their tenancy agreement, the *Residential Tenancy Act*, or the *Residential Tenancy Regulation*, the municipal noise by-laws (11:00 p.m.), or take action(s) which cause police attendance prior to February 28, 2013 then the parties agree the tenancy will end sooner with the Landlord serving an Order of Possession effective two days upon service.

### Conclusion

In support of the settlement agreement listed above, the Landlord has been issued Orders of Possession effective **February 28, 2013, at 1:00 p.m.** and **two (2) days upon service**. These Orders are legally binding and are enforceable through Supreme Court. The Order effective February 28, 2013, must be served upon the Tenants when the Landlord receives it. The Order effective two days upon service is not to be served upon the Tenants unless they commit a breach as listed in # (3) of the settlement agreement.

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: February 21, 2013

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Residential Tenancy Branch

