



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order ending the tenancy earlier than than the tenancy would end if a notice to end the tenancy were given under section 47, obtain and order of possession for the rental unit and for recovery of the filing fee.

The landlord's agents appeared at the beginning of the hearing, the hearing process was explained and they were given an opportunity to ask questions about the hearing process.

The landlord said that the tenant was served notice of this hearing and their application on April 15, 2013, by leaving the documents with an adult person residing in the rental unit with the tenant.

The landlord likewise testified that the tenant was served the two evidence packages to the tenant by leaving the documents with an adult person residing in the rental unit.

Fifteen minutes after the hearing began, the tenant appeared; afterward each representative submitted some of their respective positions.

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

Issue(s) to be Decided

Will the tenant agree to vacate and will the landlord be issued an order of possession?

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

Settled Agreement

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

1. The tenant agrees to vacate the rental unit by 1:00 p.m. on May 31, 2013;
2. The tenant understands the landlord will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenant fails to vacate the rental unit by 1:00 p.m., May 31, 2013, the landlord may serve the order of possession on the tenant and obtain a writ of possession;
3. The tenant understands that the landlord is required to provide quiet enjoyment to all tenants in the residential property, that the tenant is responsible for her and her guests' conduct in the residential property and the landlord is at liberty to file another application for dispute resolution seeking an earlier end to the tenancy if it becomes necessary; and
4. 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 tenant fails to vacate the rental unit by May 31, 2013, at 1:00 p.m.

The order of possession is enclosed with the landlord's Decision. This order is a legally binding, final order, and may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court should it become necessary. The tenant is advised that the costs of such enforcement, including bailiff fees, are recoverable from the tenant.

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 settled agreement 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: April 30, 2013

Residential Tenancy Branch

