



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application pursuant to section 56 of the *Residential Tenancy Act* (the *Act*) for an early end to this tenancy and an Order of Possession. Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to cross-examine one another. The tenant confirmed that one of the landlord's representatives handed him a copy of the landlord's dispute resolution hearing package in which the landlord was seeking an early end to this tenancy on September 13, 2013. I am satisfied that the landlord served this package to the tenant in accordance with the *Act*.

I noted at the beginning of the hearing that the landlord's original application for dispute resolution sought an Order of Possession for unpaid rent and a monetary award for unpaid rent. The landlord subsequently revised this application to seek only an early end to this tenancy and the issuance of an Order of Possession on that basis.

Issues(s) to be Decided

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

Background and Evidence

This periodic tenancy for a single room rental unit in a downtown hotel commenced on June 3, 2010. Monthly rent is set at \$375.00, payable on the first of each month. The landlord continues to hold the tenant's \$187.50 security deposit paid on March 15, 2013.

The landlord requested the early end to this tenancy on the basis that the tenant has allegedly assaulted a woman twice at this rental property, the most recent of which occurred on August 18, 2013.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator 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 the hearing, the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to resolve the landlord's application for dispute resolution under the following final and binding terms:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on September 25, 2013, by which time the tenant will have vacated the rental unit.
2. Both parties agreed that this settlement agreement constituted a final and binding resolution of the landlord's application for an end to this tenancy and an Order of Possession.

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. The landlord is provided with these Orders in the above terms and the tenant must be served with this Order in the event that the tenant does not vacate the premises by the time and date set out in 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*.

Dated: September 18, 2013

Residential Tenancy Branch

