



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing was convened by way of conference call in response to a landlord's application to end the tenancy early and obtain an Order of Possession. The landlord also applied to recover the filing fee from the tenants.

The tenants appeared for the hearing and provided affirmed testimony during the hearing but no evidence was provided by the tenants prior to the hearing. The landlord and an agent appeared for the hearing and the landlord's agent provided all the affirmed testimony and presented the evidence which had been submitted prior to the hearing.

No issues in relation to the service of the hearing documents and evidence for this hearing were raised by any of the parties.

At the start of the hearing the landlord confirmed that the tenants had also been served with a notice to end tenancy for cause and one for unpaid rent. The male tenant testified that they had disputed both of these notices by making an application for dispute resolution which has been scheduled for February 27, 2014 at 1:30 p.m.

At the conclusion of the hearing, the tenants consulted together and the landlord's agent conferred with the landlord. As a result, both parties decided that it would be best to deal with the issues and circumstances for this application and the notices to end tenancy for the tenant's application scheduled for February 27, 2014, through a settlement agreement.

Analysis & Conclusion

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

conclusion of the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of the dispute.

Both parties agreed to settle the landlord's application and cancel the tenant's application scheduled for February 27, 2014, under the following terms:

1. The landlord and tenants agreed to end the tenancy on March 31, 2014. As a result, the landlord is issued with an Order of Possession which is **only** effective for 1:00 p.m. on March 31, 2014 which the landlord can serve onto the tenants **if** the tenants fail to move out on this date and time.
2. The tenants agreed that they will abide by the following conditions for the remainder of the tenancy:
 - Laundry will only be done on Mondays and Wednesdays between the hours of 9 a.m. and 9 p.m.
 - There will be no smoking inside the rental suite.
 - There will be no loud arguments or fighting inside the rental suite.
 - Disturbance and noise from workshop activity will be kept to a minimum and will be done at reasonable times
 - There will be no use of gasoline inside the garage

In order to ensure that the tenants stick to the conditions set out in point 2 above, the landlord is at liberty to apply for an Order of Possession earlier than the agreed date. However, the landlord **must** be able to provide sufficient evidence to an arbitrator through a dispute resolution proceeding to prove that the tenants have breached the above conditions.

The landlord and tenants also agreed that they will work together to deal with any monetary issues associated with the tenancy in the interim time period before the tenancy ends. If they cannot, then both parties still have recourse under the Act to deal with any outstanding monetary issues through dispute resolution either before or after the tenancy ends.

The landlord and tenants are cautioned that the rights and obligations for the return of the security deposit at the end of the tenancy are still in effect.

Based on the above agreement the tenant's application scheduled for February 27, 2014 at 1:30 pm is now moot and is hereby cancelled. As a result, there is no requirement for the parties to appear for this hearing.

For the reasons set out above, I hereby grant an Order of Possession in favour of the landlord effective **March 31, 2014 at 1:00 p.m.**

This order is final and binding on the parties and may be enforced.

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 04, 2014

Residential Tenancy Branch

