



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an early end to this tenancy and the issuance of an Order of Possession pursuant to section 56; and
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The landlord testified that she posted her dispute resolution hearing package on the tenant's door on May 6, 2014. The tenant confirmed that he received the landlord's dispute resolution hearing package posted on his door on May 6, 2014, as well as copies of the landlord's written evidence posted on his door on May 21, 2014. In accordance with sections 89(2) and 90 of the *Act*, I find that the tenant was deemed served with the landlord's dispute resolution hearing package on May 9, 2014, the third day after its posting on his door. In accordance with sections 88 and 90 of the *Act*, the tenant was deemed served with the landlord's written evidence on May 24, 2014.

Issues(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession? Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

This periodic tenancy for the basement suite in this owner occupied home began on or about August 1, 2010. Monthly rent is currently set at \$1,300.00, payable in advance on the first of each month. The landlord continues to hold the tenant's \$550.00 security deposit paid when this tenancy began.

The landlord said that she served the tenant with a 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) on April 30, 2014 or May 1, 2014. This 1 Month Notice

requested that the tenant vacate the rental unit by May 31, 2014. Neither party submitted a copy of the 1 Month Notice.

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 and the issues in dispute arising out of this tenancy under the following final and binding terms:

1. Both parties agreed that this tenancy will end by 5:00 p.m. on May 31, 2014, 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 all issues in dispute in the landlord's application and arising out of this tenancy at this time.

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 5:00 p.m. on May 31, 2014, 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: May 29, 2014

Residential Tenancy Branch

