



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. A Monetary Order for compensation – Section 67; and
4. An Order to recover the filing fee for this application - Section 72.

The Landlord served the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant’s Agent states that the Tenant has not been in her residence since being in a coma in the U.K. as of April 2014 and that the Tenant’s three children are currently in the unit. The whereabouts of the father’s children has been unknown since the end of July 2014 when he was last with the Tenant in the U.K. The Tenant’s Agent asks for an adjournment so that the Landlord’s claim may be known and so that the Tenant or a court appointed representative may answer the claim. The Landlord states that time is of the essence as rents are not being paid. After some discussion on whether to adjourn the matter or to dismiss the Landlord’s application for lack of good service, the Parties agreed to resolve the matter of possession of the unit as set out below. Given this agreement, and considering that the Tenant does not yet have the particulars of the claim in relation to rent, I dismiss this portion of the application with leave to reapply. The Tenant’s Agent provided the Landlord with an address for service to the Tenant in the U.K.

Settlement Agreement

Section 63 of the Act is set out as follows:

- (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order.

Given the authority under the Act, the Parties desire to settle their dispute during the proceedings, and agreement reached between the Parties during the proceedings, I find that the Parties have settled their dispute over the possession of the unit and the following records this settlement as a decision.

The Parties mutually agree as follows:

- 1. The tenancy will end on or before 1:00 p.m. on September 15, 2014;**
- 2. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

In order to give effect to this agreement I provide an order of possession to the Landlord effective 1:00 p.m. on September 15, 2014. 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: August 18, 2014

Residential Tenancy Branch

