



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FF

Introduction

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

- an order of possession for landlord's use of property, pursuant to section 55; and
- authorization to recover the filing fee for this application from the tenants, pursuant to section 72.

The two tenants, male and female, and the landlord attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. This hearing began at approximately 2:00 p.m. and concluded at approximately 2:17 p.m.

During settlement discussions, the male tenant became upset and disconnected from the hearing at 2:13 p.m. The hearing continued in his absence and the female tenant, who is his wife, testified that she had authority to speak as an agent on the male tenant's behalf and to settle this matter on his behalf.

The female tenant confirmed receipt of the landlord's application for dispute resolution hearing package ("Application"). The landlord provided two separate Canada Post registered mail receipts and tracking numbers, as proof of service. In accordance with sections 89 and 90 of the *Act*, I find that both tenants were duly served with the landlord's Application.

The female tenant confirmed receipt of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property, dated November 26, 2015 ("2 Month Notice"). In accordance with sections 88 and 90 of the *Act*, I find that both tenants were duly served with the landlord's 2 Month Notice.

Issues to be Decided

Is the landlord entitled to an order of possession for landlord's use of property?

Is the landlord entitled to recover the filing fee for her Application?

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

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on February 1, 2016, by which time the tenants and any other occupants will have vacated the rental unit;
2. The landlord agreed to bear the cost of the \$50.00 filing fee for her Application;
3. Both parties agreed that this settlement agreement constitutes a final and binding resolution of the landlord's application at this hearing.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final and binding and enforceable, which settle all aspects of this dispute.

The female tenant testified again that she had authority to settle this matter as an agent on behalf of the male tenant.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be used by the landlord **only** if the tenants and any other occupants fail to vacate the rental premises by 1:00 p.m. on February 1, 2016. The landlord is provided with this Order in the above terms and the tenant(s) must be served with this Order in the event that the tenants and any other occupants fail to vacate the rental premises by 1:00 p.m. on February 1,

2016. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlord must bear the cost of the \$50.00 filing fee paid for her Application.

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: January 13, 2016

Residential Tenancy Branch

