



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPB, O

### Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Landlord for an Order of Possession based on a breach of the tenancy agreement by the Tenants who are now over holding the tenancy.

The Landlord appeared for the hearing and provided affirmed testimony in the absence of the Tenant. The female Tenant appeared 10 minutes late into the hearing; however, the evidence was recapped with the Tenant and the Tenant was provided an opportunity to respond by giving affirmed testimony.

The Landlord served each Tenant with a copy of his Application by registered mail pursuant to Section 89(1) (c) of the *Residential Tenancy Act* (the “Act”). The Tenant confirmed receipt of the Application and the hearing documents in this manner.

The parties confirmed that they had signed a fixed term tenancy agreement which ended on December 31, 2015. The Landlord provided a copy of the original tenancy agreement which both parties had signed and initialed agreeing that after the end of the fixed term the tenancy was to end and the Tenants were required to vacate the rental unit. The Tenant asked the Landlord whether he was willing to continue the tenancy with them or whether he would allow them more time to find a new rental and move out of the rental unit. The Landlord agreed with the Tenant to mutually end the tenancy.

### Settlement Agreement

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. Both parties agreed to resolve the Landlord’s Application **in full satisfaction** as follows.

The parties agreed to end the tenancy on **February 28, 2016** which gives the Tenants sufficient time to vacate the rental suite and find new accommodation. The Tenants are still responsible to pay rent for February 2016.

In order to give effect to the above agreement, the Landlord is issued with an Order of Possession which is dated effective at 1:00 p.m. on February 28, 2016. This order may be enforced **only** if the Tenants fail to vacate the rental suite by the agreed date.

Copies of this order are attached to the Landlord's copy of this decision and may be enforced in the Supreme Court of British Columbia as an order of that court. This agreement is legally binding and does not affect the parties' rights to other remedies under the Act.

The parties confirmed their voluntary agreement to resolve this matter by way of mutual agreement both during and at the conclusion of the hearing. This file is now closed. The Landlord may retrieve copies of his original evidence by contacting the Residential Tenancy Branch or by visiting the Burnaby office.

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 27, 2016

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Residential Tenancy Branch

