



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOMELIFE GLENAYRE REALTY CHILLIWACK LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR

Introduction

This matter was heard as a reconvened hearing after a successful review application by the tenants. The landlord originally applied pursuant to the *Residential Tenancy Act* ("the *Act*") for an Order of Possession for unpaid rent pursuant to section 55. In the original decision dated November 26, 2015, an adjudicator granted an Order of Possession to the landlord.

At this hearing, both parties attended the hearing and were given an opportunity to make submissions. The landlord's agent acknowledged receipt of notice of this reconvened hearing. Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Background and Evidence

This tenancy required a monthly rental amount of \$975.00 payable on the first of each month. Both parties agreed that the tenant would vacate the rental unit by February 29, 2016 and that the owners of the building would pay the tenants \$975.00 by February 5, 2016 for moving expenses. Both parties indicated that they have outstanding applications for monetary orders with respect to this tenancy but none of the information or evidence for these applications was available at the time of this hearing. The landlord's agent submitted these applications were matters to be addressed after the end of the tenancy, relating to the condition of the rental unit and the tenants' security deposit.

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. Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

The Parties mutually agreed as follows:

1. The tenants agree to vacate the rental unit on or before February 29, 2016 at one in the afternoon.
2. The tenants agree to ensure that all tenant possessions currently in the rental will be removed on or before February 29, 2016 at one in the afternoon.
3. The parties agree that the landlord will pay the tenants \$975.00 by February 5, 2016 at four in the afternoon.
4. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

To give effect to the settlement reached between the parties, I issue the attached Order of Possession to be used by the landlord **only** if the tenant fails to vacate the residence by February 29, 2016 in accordance with their agreement. 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 tenant(s) do not vacate the premises in accordance with the agreement within this decision. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

To give effect to the monetary portion of the settlement reached between these parties, I issue a monetary order in favor of the tenants in the amount of \$975.00 dated February 5, 2016 to be used only if the landlord to pay \$975.00 to the tenants on or before this date. The tenants are provided with this Order in the above terms and the tenant(s) must be served with this Order as soon as possible after any failure to abide by the monetary terms of their settlement agreement. Should the landlord(s) fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders of that Court.

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 03, 2016

Residential Tenancy Branch

