



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANCOUVER EVICTION SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL, FF

Introduction

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

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

Both parties attended the hearing via conference call and provided undisputed affirmed testimony.

At the outset both parties indicated that a mutual resolution had been reached to end the tenancy on May 31, 2016. The landlord provided direct testimony confirming this agreement. The tenant provided direct testimony confirming this agreement.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

While I have turned my mind to all the documentary evidence, and the testimony of the parties, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of the applicant's claim and my findings are set out below.

On February 16, 2016 the landlord served the tenant with a 2 Month Notice to End Tenancy for Landlord's Use of Property (2 Month Notice) to the rental unit door. The 2 Month Notice displays an effective end of tenancy date of April 30, 2016. The 2 Month Notice sets out the reason as:

The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse.

Analysis

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows;

1. The landlord agreed to withdraw the 2 Month Notice dated February 6, 2016.
2. Both parties agreed mutually end the tenancy on May 31, 2016 at or before 1:00 pm.

Pursuant to this agreement the landlord will be given an order of possession to reflect condition #2 of this agreement. Should it be necessary, this order may be filed in the Supreme Court and enforced as an order of that Court.

The above particulars comprise full and final settlement of all aspects of the dispute arising from this application for both parties.

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: April 27, 2016

Residential Tenancy Branch