



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding David Burr Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, OPB, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the landlord for an Order of Possession for cause and for breach of an agreement; and to recover the filing fee from the tenant for the cost of the application.

The tenant and an agent for the landlord company attended the hearing, and the landlord's agent was accompanied by a witness identified as the Caretaker/Manager of the rental complex.

During the course of the hearing the parties agreed to settle this dispute in the following terms:

1. The tenant will not smoke any substance in the rental unit and will not allow guests to smoke any substance in the rental unit;
2. The landlord will have an Order of Possession on 2 days notice to the tenant, but will not serve it unless the Caretaker/Manager of the rental complex and a witness observe the tenant or the tenant's guests smoke in the rental unit;
3. The landlord will not serve the Order of Possession for any other purpose;
4. If the Order of Possession is not served to the tenant by December 31, 2016, it becomes ineffective and unenforceable.

Conclusion

For the reasons set out above, and by consent, I order the tenant to refrain from smoking any substance in the rental unit and ensure that guests refrain from smoking any substance in the rental unit.

I hereby grant an Order of Possession in favour of the landlord on 2 days notice to the tenant, and I order that the landlord not serve the Order of Possession unless the Caretaker/Manager of the rental complex and a witness observe the tenant or the

tenant's guests smoke in the rental unit. I further order that the landlord not serve the Order of Possession for any other purpose, and if not served by December 31, 2016, the Order of Possession is ineffective and unenforceable.

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: June 21, 2016

Residential Tenancy Branch