



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding DLKA WIEBE PROPERTIES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPN, FF

### Introduction

This hearing was scheduled to deal with a landlord's application for an Order of Possession based upon a notice to end tenancy given by the tenant(s). Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

During the hearing the parties turned their minds to resolving this matter by way of a mutual agreement. By way of this decision and the order that accompanies it I have recorded the terms agreed upon.

By mutual consent, the application was amended to more accurately describe the unit number for this property.

### Issue(s) to be Decided

What are the terms of the mutual agreement?

### Background and Evidence

During the hearing, the parties reached a mutual agreement in resolution of this matter. The terms agreed upon are as follows:

1. The tenants are permitted to occupy the rental unit up until but no later than October 15, 2016 at which time vacant possession must be returned to the landlord.
2. The landlord shall retain the tenants' security deposit.
3. The landlord waives entitlement to recover any other unpaid or loss of rent from the tenants for the period up to October 15, 2016.

### Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

In recognition of the mutual agreement I provide the landlord with an Order of Possession with an effective date of October 15, 2016 to serve and enforce as necessary and appropriate. For added certainty, I also authorize the landlord to retain the tenants' security deposit.

### Conclusion

The parties resolved this matter by way of a mutual agreement that I have recorded by way of this decision. In recognition of the mutual agreement I provide the landlord with an Order of Possession with an effective date of October 15, 2016.

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: September 22, 2016

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Residential Tenancy Branch

