



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes** OPR MNR FF

### **Introduction**

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

- an Order of Possession for unpaid rent, pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to call witnesses, and to make submissions.

The tenant confirmed receipt of the landlord's dispute resolution and evidence package. In accordance with sections 88 and 89 of the *Act*, I find that the tenant was duly served with the Application and evidence package.

The tenant confirmed that he was served with the 10 Day Notice on April 30, 2017. In accordance with section 88 of the *Act*, I find that the tenant was duly served with the 10 Day Notice on April 30, 2017.

### **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. During the hearing the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

All parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The landlord withdrew the monetary portion of their application.
2. All parties entered into a mutual agreement that this tenancy will end on June 24<sup>th</sup>, 2017 at 8:00 p.m., by which date the tenant and any other occupants will have vacated the rental unit.
3. The landlords withdrew the 10 Day Notice dated April 18 2017.

4. The parties agreed that this tenancy ends by way of their mutual agreement to end this tenancy and not on the basis of the landlord's 10 Day Notice, dated April 18, 2017.
5. Both parties agreed that this settlement agreement constituted of a final and binding resolution of the landlord's application, and all matters under dispute at this time.

These particulars comprise the full and final settlement of all aspects of this dispute for all parties. All parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. All parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

### **Conclusion**

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, effective two days after service of this Order on the tenant. The landlord is provided with this Order in the above terms and the tenant must be served with this Order **only** in the event that the tenants do not abide by condition #2 of the above settlement. This two day Order of Possession may **only** be used after June 24, 2017. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 13, 2017

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Residential Tenancy Branch