



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF OPC CNC MT O

Introduction

This hearing dealt with applications from both parties. The landlord applied pursuant to the *Residential Tenancy Act* ("the Act") for an Order of Possession for Landlord's Use pursuant to section 55 and authorization to recover the filing fee for this application from the tenant pursuant to section 72. The tenant applied for more time to make an application to cancel the landlord's Notice(s) to End Tenancy pursuant to section 66 and authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing (two landlords and a representative as well as one tenant: Tenant JB). Tenant JB confirmed he was representing himself and his co-tenant. Both parties confirmed receipt of the other's evidentiary submissions for this hearing. Both parties were given an opportunity to present testimony, and to make submissions.

Before the conclusion of this hearing, the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Background and Evidence

This tenancy began January 10, 2017. A copy of the written tenancy was provided as evidence at this hearing. The landlord and tenant confirmed the rental amount of \$1600.00 payable on the first of each month. The landlord confirmed that he continues to hold an \$800.00 security deposit paid by both tenants at the outset of the tenancy. As of the date of this hearing, the tenant continued to reside in the rental unit.

After discussion between the parties, the tenant agreed to vacate the rental unit on July 31, 2017. The tenant provided undisputed testimony that he has paid all rent up to and including June 2017 rent and that he will pay rent for the month of July 2017 as he will remain in the rental unit for this month.

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 tenant agreed to vacate the rental unit on or before July 31, 2017 at four in the afternoon.
2. The tenant agrees to pay \$1600.00 rent for the month of July 2017.
3. The parties agree that they will address the tenants' \$800.00 security deposit at the end of tenancy following the provisions of the *Act* including but not limited to section 38 of the *Act*.
4. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

The tenant confirmed under oath that he was authorized to speak on behalf of both tenants. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

Conclusion

To give effect to the settlement reached between the parties, the landlord is provided with a formal copy of an Order of Possession effective July 31, 2017. Should the tenant(s) 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 21, 2017

Residential Tenancy Branch