



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

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 pursuant to section 55.

Both parties attended the hearing. The tenant attended at the hearing start time of 9:30 am and the landlord with counsel joined the line late at approximately 9:36 am. Both parties were given an opportunity to be heard, to present sworn testimony and to make submissions. The tenant confirmed receipt of the landlord's Application for Dispute Resolution with Notice of Hearing.

The tenant testified that she intends to vacate the rental unit and therefore, before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Background and Evidence

The landlord applied for an Order of Possession based on his issuance of a 2 Month Notice to End Tenancy for Landlord's Use the tenant. He testified that his adult son is ill and will move into the unit so the landlord can assist with his care.

The tenant testified that she did not dispute the 2 Month Notice and that she intends on vacating the unit on the effective date of the notice: June 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. 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 June 30, 2017 at eight in the evening (8:00 p.m.).
2. The tenant agrees that she will return the keys and leave the rental unit neat and tidy as required by the Act.
3. The parties agree that they will address the security deposit at the end of tenancy and create a move-out condition inspection report following the provisions of the *Act* including section 38 and any other relevant sections.
4. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

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, I grant the landlord an Order of Possession effective June 30, 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