



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET

### Introduction

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

- an early end to tenancy and an order of possession, pursuant to section 56.

The two landlords (male and female) and the tenant's agent ("tenant") attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The tenant confirmed that she had authority to speak on behalf of her father, the tenant named in this application, at this hearing. This hearing lasted approximately 28 minutes in order to allow both parties to fully negotiate a settlement of this claim.

The tenant confirmed receipt of the landlords' application for dispute resolution package and the landlords confirmed receipt of the tenant's written evidence package. In accordance with sections 88, 89 and 90 of the *Act*, I find that the tenant was duly served with the landlords' application and the landlords were duly served with the tenant's written evidence package.

### Settlement

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

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

1. Both parties agreed this tenancy will end by 1:00 p.m. on August 1, 2017, by which time the tenant and any other occupants will have vacated the rental unit;
2. The tenant agreed to return the rental unit keys to the male landlord by 1:00 p.m. on August 1, 2017;

3. The tenant agreed to provide access to the rental unit to the landlords, provided that the landlords first abide by section 29 of the *Act* in providing proper notice to the tenants in order to enter the rental unit;
4. The landlords agreed to only inspect, not perform any work at the rental unit, until August 1, 2017;
5. Both parties agreed that the landlords are entitled to access the common area at the rental property and the landlords are entitled to cut off the lock to the side gate by the front gardens on the common property;
6. The landlords agreed to provide access to the tenant in order to retrieve the light fixtures and curtain at the rental property and the tenant agreed to restore the curtain and lighting at the rental unit to its original condition at the beginning of this tenancy;
7. The tenant agreed to not block the driveway access to the gate for the landlords at the rental property for the remainder of this tenancy;
8. The landlords agreed that this settlement agreement constitutes a final and binding resolution of their application at this hearing.

These particulars comprise a final settlement of all aspects of this dispute. Both parties affirmed that they understood and agreed to the above settlement terms, free of any duress or coercion. Both parties affirmed that they understood that the settlement terms are legal, final, binding and enforceable, settling all aspects of this dispute.

### Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be used by the landlord(s) **only** if the tenant and any other occupants fail to vacate the rental premises by 1:00 p.m. on August 1, 2017. The tenant must be served with this Order in the event that the tenant and any other occupants fail to vacate the rental premises by 1:00 p.m. on August 1, 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: July 27, 2017

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Residential Tenancy Branch