



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PACE PROPERTY MANAGEMENT  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MT CNC OPC

### Introduction

This hearing dealt with applications from both the landlord and the tenants under the *Residential Tenancy Act* ("the Act"). The landlord applied for an Order of Possession pursuant to section 55. The tenants applied for more time to make an application pursuant to section 66; and cancellation of the 1 Month Notice pursuant to section 47.

Two representatives for the landlord attended the hearing and one tenant attended the hearing ("Tenant C"). At the outset of the hearing, Tenant C confirmed that he was authorized to represent both tenants. Both parties, landlord representatives and Tenant C, were given a full opportunity to be heard, to present sworn testimony and to make submissions. Both parties confirmed receiving the other party's application for this hearing. 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 tenant testified that, during recent months, he has attempted to communicate with the original landlord. The tenant has now been advised that the landlord is represented by a property management company and he has the names of the parties to contact regarding his outstanding tenancy issues regarding repairs. The landlord representatives provided undisputed testimony that the tenants have rental arrears outstanding. The parties agreed that they would attempt to resolve the monetary aspect of this matter before requesting the assistance of the Residential Tenancy Branch. With respect to the tenancy, the tenant testified that he is in the process of moving out of the rental unit. On discussion between the parties, the tenant(s) agreed to vacate the residence by September 16, 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(s) agreed to vacate the rental unit on or before September 16, 2017 at one in the afternoon.
2. The parties agree that they will address the security deposit and any damage or outstanding rent after the end of tenancy following the provisions of the *Act* provided above and any other relevant sections.
3. These terms comprise the full and final settlement of all aspects of this dispute regarding possession of the rental unit 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 both party's applications.

### 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 September 16, 2016 **to be used only in the event that the tenants fail to vacate the rental unit on that date** in accordance with the agreement above. 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: September 07, 2017

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Residential Tenancy Branch