



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM, FF

Introduction

This hearing dealt with the landlord's application pursuant to section 55 of the *Residential Tenancy Act* (the *Act*) for an Order of Possession based on a mutual agreement to end this tenancy and authorization to recover the filing fee for this application.

The landlord's son and power of attorney, N.D., the landlord's son's wife, A.D., the landlord's legal counsel T.D. and an agent for the tenants, K.M. attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. Legal counsel for the landlord, T.D. (legal counsel) indicated that he would be speaking on behalf of the landlord and K.M. (the agent) stated that she was representing the interests of both tenants in this matter.

The agent acknowledged receipt of the Landlord's Application for Dispute Resolution (the Application), which was sent by registered mail to the tenants on August 25, 2017. Legal Counsel testified that the evidentiary package was included in this mailing although the agent stated that she did not have the evidence before her. In accordance with section 88 and 89 of the *Act*, I find the tenants have been duly served with these documents.

The landlord testified that they entered into evidence a Mutual Agreement to End Tenancy (mutual agreement), signed by the landlord's previous agent and Tenant G.P. with an effective date of July 31, 2017. I find that the copy of the mutual agreement before me is illegible. At the outset of the hearing, legal counsel testified that the tenants are still in the rental unit.

The agent confirmed that they did not submit any evidence.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession based on mutual agreement?

Background and Evidence

While I have turned my mind to all the documentary evidence, including the testimony of the parties, not all details of the respective submissions and/or arguments are reproduced here.

The legal counsel gave sworn testimony that this tenancy began on March 01, 2017, with a monthly rent of \$800.00 due on the first day of each 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. During this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of the landlord's application and the issues in dispute arising out of this tenancy at this time and that they did so of their own free volition and without any element of coercion:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on October 02, 2017, by which time the tenants agreed to have vacated the rental unit.
2. Both parties agreed that these particulars comprise the full settlement of all aspects of the tenant's current application arising out of the mutual agreement to end the tenancy.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I grant an Order of Possession to the landlord effective **on October 02, 2017, after service of this Order** to be used by the landlord if the tenants do not vacate the rental premises in accordance with their agreement. The landlord is provided with these Orders in the above terms and the tenant(s) must be served with an Order in the event that the tenant(s) do not vacate the premises by the time and date set out in their agreement. Should the tenants or any occupant on the premises 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 26, 2017

Residential Tenancy Branch