



Dispute Resolution Services

Page: 1

Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding 0855369 B.C. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF

Introduction

This hearing convened as a result of the Landlord's Application for Dispute Resolution wherein the Landlord requested an early end to tenancy and Order of Possession pursuant to sections 55 and 56 of the *Residential Tenancy Act*, as well as recovery of the filing fee.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Preliminary Matter

At the outset of the hearing, the Tenant's daughter, J.D.R., and his former spouse, J.R., called into the hearing to provide evidence on behalf of the Tenant. They were noted as occupants pursuant to the Addendum to the tenancy agreement. J.D.R. stated that she wished to remain on the line to assist her father, whom she claimed would be unable to present evidence on his own behalf due to being head injured. The Tenant declined her assistance.

The hearing lasted 33 minutes and at all times the Tenant was clear and coherent. He understood my questions and responded accordingly. The conversation between the Tenant and the Landlord was respectful and kind, and it was clear both parties wished to end the tenancy. The Tenant further confirmed that as he was agreeable to ending the tenancy he did not file to dispute the 1 Month Notice to End Tenancy as he wanted it to end. He further confirmed he was aware that the rental unit had been damaged during the tenancy and agreed the Landlord could retain his \$875.00 towards the cost of repairing the damage. He also confirmed he was aware the damage greatly exceeded this amount and that the Landlord would likely file another application seeking further compensation.

Further, at the conclusion of the hearing the Tenant stated that he expected his daughter may try to undermine his agreement to end the tenancy, and that unfortunately she was not acting in his best interests.

Settlement and Conclusion

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*.

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.

The terms of their settlement follow.

Settlement and Conclusion

1. The tenancy shall end and the Tenant shall vacate the rental unit by no later than **1:00 p.m. on Friday January 19, 2018**.
2. The Landlord is granted an Order of Possession effective **1:00 p.m. on Friday January 19, 2018**. The Landlord must serve the Order on the Tenant as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
3. The Landlord is entitled to recover the \$100.00 filing fee she paid for this application.
4. The Landlord may retain the Tenant's \$875.00 security deposit as compensation for the filing fee as well as towards the costs to repair the rental unit.
5. The Landlord shall be at liberty to apply for further monetary compensation for loss of rent, and damage to the rental unit.

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: January 17, 2018

Residential Tenancy Branch