



Dispute Resolution Services

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Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding AFFORDABLE HOUSING CHARITABLE ASSOCIATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF

Introduction and Preliminary Matter

This hearing convened as a result of the Landlord's Application for Dispute Resolution wherein the Landlord requested an early end to tenancy pursuant to section 56(1) of the *Residential Tenancy Act*, and to recover 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.

At the outset of the hearing I excluded all witnesses, including five witnesses for the Landlord and the Tenant's Spouse, K.W. pursuant to *Rule 7.20* of the *Residential Tenancy Branch Rules of Procedure*. Both parties confirmed that their witnesses had left the room and were not listening in on the hearing.

As I informed the parties, I also excluded the witnesses to permit settlement discussions between the Landlord's Agent and the Tenant. Those settlement discussions were productive and resulted in a comprehensive settlement whereby the Tenant agreed to end her tenancy on February 28, 2018 on the condition that she ensure that K.W. did not attend the rental unit, or the rental property. To this end, the Landlord was granted an Order of Possession effective February 28, 2018.

The Tenant confirmed that K.W. did not live at the rental unit and that he lived with his brother and would have no reason to attend the rental unit. She further stated that she and K.W. have a baby together, and she would facilitate his access to their child away from the rental property and the rental unit. She also confirmed that she understood that if K.W. attended the property her tenancy would end immediately and to this end, the Landlord was being granted an Order of Possession effective immediately.

After the terms of the settlement were finalized, and as I was confirming the email addresses of the parties for the purposes of delivering this Decision and the Orders of Possession, K.W. disconnected from the call. At no time prior to this did K.W. indicate he was listening in to the call. The Tenant also claimed she was not aware he was on the telephone during the discussions. She further stated that he was leaving the property "as she spoke". The Landlord's Agent stated that as K.W. left the property he threatened four of the Landlord's witnesses and that the Landlord would be calling the police.

Settlement and Conclusion

The terms of the parties' agreement is recorded in this my Decision and Orders 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. Provided the Tenant ensures K.W., does not attend the rental property or rental unit,
 - a. the tenancy shall end and the Tenant shall vacate the rental unit by no later than **1:00 p.m. on February 28, 2018**.
 - b. the Landlord is granted an Order of Possession effective **1:00 p.m. on February 28, 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.
2. In the event the S.W. is seen on the rental property or at the rental unit,
 - a. **the tenancy shall end immediately**; and,
 - b. **the Landlord is granted an Order of Possession effective immediately**. The Landlord must serve the Order on the Tenant and may if necessary, file and enforce the Order in the B.C. Supreme Court.

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 22, 2018

Residential Tenancy Branch