



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC MNDL FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the Act") for: an Order of Possession for Cause pursuant to section 55; a monetary order for loss or damage as a result of the tenancy pursuant to section 67; and authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Both parties (tenant and two landlord representatives) attended the hearing and were given an opportunity to be heard, to present sworn testimony and to make submissions. The tenant confirmed receipt of the landlord's Application for Dispute Resolution package 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.

Preliminary Matter: Landlord Deceased

The representative for the landlord who attended this hearing provided sworn undisputed evidence as well as documentation to show that she is the executor and personal representative for the landlord who is deceased. Therefore, based on the submissions by the landlord's representative and the undisputed nature of her submissions, I have amended the name of the landlord in the application to reflect the representative's presence and role at this hearing.

Background and Evidence

The parties to this proceeding provided evidence regarding the nature of their dispute. While they are related to each other, they described an agreement regarding the tenant's residence in the rental unit with a rental payment of \$1200.00 payable on or about the 1st of each month. The tenant currently continues to reside in the rental unit

but agreed to vacate the premises in order to facilitate the execution of a will for his mother and the other necessary steps because of his mother's passing.

The landlord agreed to allow the tenant time prior to vacating the rental unit and to provide accommodation on the moving process for the tenant.

Both parties agreed that the tenant should provide \$400.00 to the landlord/estate.

I also note that the landlord's witness and representative, witness DM offered to assist the tenant in move-out if he is asked to do so by the tenant.

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 agreed to pay the landlord \$400.00 on April 30, 2018 by 1. 00 p.m.
2. The tenant agreed to vacate the rental unit on or before April 30, 2018, 2017 at one in the afternoon.
3. The parties further agree that all three present at this hearing (landlord's representative, tenant and landlord's witness) will take part in efforts to make decisions on the landlord's items within the home after the tenant has vacated the rental unit.
4. These terms comprise the full and final settlement of all aspects of this dispute 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 this matter.

Conclusion

To give effect to the settlement reached between the parties, I issue an Order of Possession dated April 30, 2018 to be used if and only if the tenant fails to vacate the rental unit in accordance with the settlement agreement herein. 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.

To give further effect to the settlement reached between the parties, I issue a monetary order in the amount of \$400.00. The landlord is provided with this Order in the above terms to be used if and only if the tenant fails to meet the terms of the settlement agreement by failing to pay her \$400.00. The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that 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: March 13, 2018

Residential Tenancy Branch