



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

Pursuant to section 58 of the *Residential Tenancy Act*. (the *Act*), I was designated to hear this matter. This hearing dealt with the landlord's application for:

- an Order of Possession pursuant to section 55 of the *Act* for unpaid rent or utilities;
- a Monetary Order pursuant to section 67 of the *Act* for unpaid rent, and for money owed for damage or loss under the *Act*.

The landlord Donald Miller provided written notice dated April 3, 2018, that the landlords wished to withdraw their claim of \$1,600.00 for unpaid rent.

Pursuant to section 64(3)(c) of the *Act*, I amend the landlord's application to withdraw the application for a monetary award.

Both of the landlords, and the tenant JK attended the hearing by way of conference. The landlords and the tenant were both given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Issue(s) to be Decided

Are the landlords entitled to an Order of Possession pursuant to section 55 of the *Act*?

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 the hearing, the parties discussed the issues between them, turned their minds to compromise and, reached a settlement of their dispute.

Specifically, once the landlords learned that the tenants were already searching for another rental home and, would agree to vacate the premises as soon as a new rental home could be found, they were content to simply receive an Order for Possession effective as of a specific date. All parties agreed that the current tenancy would end on August 31, 2018, unless terminated earlier by the tenants.

All parties agreed to the following full and final binding settlement of all issues currently in dispute as between them:

1. The parties mutually agreed that the tenancy will end on August 31, 2018, at 1 p.m., by which date and time the tenants and any other occupants will have vacated the rental unit.
2. The landlords withdrew the 10 Day Notice dated March 12, 2018.
3. The parties agreed that the tenancy ends by way of their agreement and not on the basis of the landlord's 10 Day Notice, dated March 12, 2018.
4. The landlords agree not to pursue all monetary claims as set out in the 10 Day Notice and the Application.
5. The parties agreed that this settlement agreement constitutes the full and final binding resolution of the landlord's application.

The five terms as set out above constitute the full and final settlement of all aspects of this dispute for both parties. The parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. The parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of their dispute.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlords, which is to take effect by 1:00 p.m. on August 31, 2018. The landlords are provided with this Order and the tenants must be served with this Order personally by the landlords within 5 days of the date it is received by the landlords. Should the tenants fail to comply with the Order, it 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: April 24, 2018

Residential Tenancy Branch