



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT, OPM, FFL

Introduction

This hearing dealt with applications from both the landlord and the tenant's pursuant to the *Residential Tenancy Act* ("Act").

The tenant applied for an order of possession pursuant to section 54.

The landlord applied for an order of possession pursuant to section 55 and an order to recover the filing fee for their application pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

As both parties were present service was confirmed. The landlord confirmed that they were served with the tenant's application for dispute resolution and evidence by registered mail on or about April 23, 2018. Based on the undisputed testimony I find that the landlord was served in accordance with sections 88 and 89 of the Act.

Originally, I was only scheduled to hear the tenant's application. The landlord's application was originally scheduled to be heard by me on July 23, 2018. The tenant testified that they had been served with the landlord's application for dispute resolution on or about June 4, 2018, and were prepared to proceed. I find that the landlord's application and evidence were served in accordance to sections 88 and 89 of the *Act*. Pursuant to 2.10 of the Rules of Procedure, as I find that both applications pertain to the same residential property, involve the same parties, and similar evidentiary matters would be considered for each application I ordered that the matters be brought together and heard at once.

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 achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. This tenancy will end on 12:00 pm July 31, 2018, by which time the tenant and any other occupants will have vacated the rental unit.
2. The parties agree that this tenancy will end by way of this settlement agreement.
3. This settlement agreement constitutes a final and binding resolution of both parties' applications at this hearing.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be served on the tenant by the landlord **only** if the tenant and any other occupants fail to vacate the rental premises by 12:00 p.m. on July 31, 2018. Should the tenant 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: June 18, 2018

Residential Tenancy Branch