



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for a Mutual Agreement to End Tenancy, pursuant to section 55 of the *Act*; and
- recovery of the filing fee from the tenant pursuant to section 72 of the *Act*.

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. Landlord's agent G.D. spoke on behalf of the landlord and is herein referred to as "the landlord". The tenant and the tenant's assistant S.H. attended and are herein referred to as "the tenants".

As both parties were present, service of documents was confirmed. The tenants confirmed receipt of the landlord's application and evidentiary materials. The tenants did not submit any evidence for this hearing. Based on the undisputed testimonies of the parties, I find that the tenants were served in accordance with section 89 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 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 at 1:00 p.m. on July 31, 2018, by which time the tenants and any other occupants will have vacated the rental unit.
2. By 7:00 p.m. on July 21, 2018, the tenants will pay the landlord a total amount of \$1,194.73.00 in full satisfaction of the outstanding rent owed for the month of July 2018.
3. The landlord will provide the tenants with a receipt for the rent payment.
4. This tenancy ends by way of this settlement and the parties agree that the Mutual Agreement to End Tenancy dated April 13, 2018, is cancelled and of no further force or effect, and the landlord's application for dispute resolution in its entirety is cancelled.
5. Both parties agreed that the terms of this settlement as outlined above constitute a final and binding resolution of the landlord's application and all issues currently under dispute at this time, and that they agreed free of any duress or coercion.

The parties are still bound by all of the rights, responsibilities, terms and conditions of the tenancy agreement, the Act, and the associated regulations.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue to the landlord the attached Order of Possession to be served on the tenants by the landlord **only** if the tenants fail to vacate the rental unit **by 1:00 p.m. on July 31, 2018 or abide by any other term of this settlement.** Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

Further to this, I issue to the landlord the attached Monetary Order in the amount of \$1,194.73 to be served on the tenants by the landlord **only** if the tenants fail to pay the landlord the full amount of \$1,194.73 by 7:00 p.m. on July 21, 2018. Should the tenants 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. If the tenants only make a partial payment and not the total amount, this partial payment must be accounted for if the landlord is enforcing the Monetary Order.

The Mutual Agreement to End Tenancy, dated April 13, 2018, is cancelled and is of no force or effect.

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: July 25, 2018

Residential Tenancy Branch