



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, FFL

Introduction

This hearing convened as a result of a Landlord's Application for an Order of Possession by way of the Direct Request proceeding pursuant to section 55(4) of the *Residential Tenancy Act*. As the Landlord's Direct Request application was incomplete, the Adjudicator adjourned the Landlord's Application to a participatory hearing.

The participatory hearing was scheduled for teleconference before me at 9:30 a.m. on this date.

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.

Settlement and Conclusion

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims.

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. The tenancy shall end and the Tenant shall vacate the rental unit by no later than 1:00 p.m. on November 30, 2018.

2. In furtherance of the parties' agreement to end the tenancy, the Landlord is granted an Order of Possession effective 1:00 p.m. on November 30, 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.
3. Should the Tenant secure alternate housing prior to November 30, 2018, she shall be at liberty to end her tenancy early.
4. Should the Tenant secure alternate housing in early December, the parties will discuss the possibility of the Tenant remaining in the rental unit for the days required in early December to facilitate her move to her new residence.
5. The Tenant shall pay rent for November 1, 2018 in the amount of \$918.00, this amount shall be paid without prejudice to her right to argue that this amount is in excess of the amount she should pay pursuant to her tenancy agreement.
6. Should the Tenant not pay \$918.00 on November 1, 2018 the tenancy shall end. In furtherance of this, the Landlord is granted an Order of Possession effective two (2) days after service. 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. Should the Tenant pay \$918.00 on November 1, 2018 the Landlord shall make no use of the 2 day Order of Possession.
7. The parties shall meet to discuss the issue of the rent paid with the view to resolving any retroactive adjustments; should they not agree, the Tenant may make an application to the residential tenancy branch for monetary compensation based on any alleged over payment.

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: October 22, 2018

Residential Tenancy Branch