



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FFL

Introduction

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

- an early end to tenancy and an order of possession, pursuant to section 56; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord's two agents, the tenant and the tenant's agent attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlord's two agents confirmed that they had authority to speak on behalf of the landlord company named in this application at this hearing (collectively "landlord"). The tenant confirmed that her agent had permission to speak on her behalf at this hearing.

The tenant confirmed receipt of the landlord's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was duly served with the landlord's application.

Settlement Terms

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 and orders. 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. The tenant agreed to pay the landlord full rent of \$1,214.00 by October 1, 2018 and the landlord agreed to accept it for the period from October 1 to 31, 2018;
2. The tenant agreed to pay the landlord half a month's rent of \$607.00 by November 1, 2018 and the landlord agreed to accept it for the period from November 1 to 15, 2018;
3. Both parties agreed that this tenancy will end by 4:30 p.m. on November 15, 2018, by which time the tenant and any other occupants will have vacated the rental unit, in the event that the tenant abides by conditions 1 AND 2 of the above settlement.
4. Both parties agreed that this tenancy will end pursuant to a two (2) day Order of Possession, if the tenant does not abide by conditions 1 OR 2 of the above settlement;
5. The landlord agreed to bear the cost of the \$100.00 filing fee paid for this application;
6. The landlord agreed that this settlement agreement constitutes a final and binding resolution of its application.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties affirmed at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties affirmed 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 discussed with them during the hearing, I issue the attached two (2) day Order of Possession to be used by the landlord **only** if the tenant does not abide by conditions 1 OR 2 of the above settlement. The landlord is provided with this Order in the above terms and the tenant must be served with this Order as soon as possible after she does not comply with the above agreement. 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.

In the event that the tenant abides by conditions 1 AND 2 of the above settlement, this tenancy continues only until 4:30 p.m. on November 15, 2018.

If the tenant fails to pay the landlord rent from October 1 to November 15, 2018, as per conditions 1 and 2 above, the landlord can file an application at the RTB for a monetary

order for the amount owing. As this is a future rent amount that is not currently due to the landlord, I cannot issue a monetary order for this amount at this hearing.

The landlord must bear the cost of the \$100.00 filing fee paid for this application.

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: September 13, 2018

Residential Tenancy Branch