



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding F. Warren and Associates Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL, FFT

Introduction

This hearing dealt with an application by the landlord under the *Residential Tenancy Act* ("the *Act*") for the following:

- An order of possession for landlord's use of property pursuant to section 49;
- Reimbursement of the filing fee pursuant to section 72.

The tenant attended. FW appeared as agent for the landlord ("the landlord"). Both parties were given full opportunity to provide affirmed testimony, present evidence, cross examine the other party and make submissions.

The tenant acknowledged receipt of the Notice of Hearing and the landlord's documents. No issues of service were raised. I find the tenant was served as required under section 89.

Issue(s) to be Decided

Is the landlord entitled to an order of possession under section 49 and 55 of the *Act*?

Is the landlord entitled to reimbursement of the filing fee under section 72 of the *Act*?

Background and Evidence

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so 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:

- The tenant will vacate the rental unit by noon, September 20, 2018;
- The landlord is granted an order of possession effective September 20, 2018 in the event the tenant does not vacate the unit;
- The landlord withdrew his request for reimbursement of the filing fee;
- These terms comprise the full and final settlement of all aspects of this dispute for both parties.

Both parties testified they understood and agreed the above terms are final, binding, and enforceable and settle all aspects of this dispute.

Conclusion

Pursuant to the settlement agreement, I grant the landlord an order of possession effective **September 20, 2018 after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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 17, 2018

Residential Tenancy Branch