



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LRE, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 46;
2. An Order restricting the Landlord’s entry - Section 70; and
3. An Order to recover the filing fee for this application - Section 72.

Both Parties attended the conference call hearing. At the onset, both Parties indicated their desire to reach an agreement to resolve the dispute and during the Hearing did reach a settlement agreement. 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.

Settlement Agreement

The Parties mutually agree as follows:

- 1. The tenancy will end at 1:00 p.m. on December 31, 2018 and the Tenant will move out of the unit no later than 1:00 p.m. on December 31, 2018;**
- 2. The Tenant will pay the Landlord rental arrears of \$1,000.00 by e-transfer no later than 5:00 p.m. on November 30, 2018;**
- 3. The Landlord waives the rents payable for October, November and December 2018; and**

4. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.

Section 63 of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the settlement may be recorded in the form of a decision or order. Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above. In order to give effect to the agreement I provide the Landlord with an order of possession effective 1:00 p.m. on December 31, 2018 and a monetary order for \$1,000.00. Noting that the tenancy agreement provided as evidence does not name Tenant TT as a party to the tenancy, I make the monetary order payable only by Tenant CT.

Conclusion

I grant an Order of Possession to the Landlord effective 1:00 p.m. on December 31, 2018. I grant the Landlord an order under Section 67 of the Act for **\$1,000.00**. If necessary, and only after November 30, 2018, this order may be filed in the Small Claims Court and 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: November 22, 2018

Residential Tenancy Branch