



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, LRE

### Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”) and to suspend or restrict the Landlord’s right to enter the rental unit.

The Tenant and an agent for the Landlord (the “Landlord”) were present for the teleconference hearing. The parties were affirmed to be truthful in their testimony. The Landlord confirmed receipt of the Notice of Dispute Resolution Proceeding package from the Tenant.

### Preliminary and Procedural Matters

At the outset of the hearing, the Tenant stated her intent to withdraw the Application for Dispute Resolution. As stated by rule 5.0.1 of the *Residential Tenancy Branch Rules of Procedure*, a Landlord must consent to the withdrawal of the application when the matter is related to a notice to end tenancy.

The Tenant stated that she has moved out of the rental unit and left the keys in the unit. The Landlord stated that he received a text on the morning of the hearing to notify him of this, but he has not yet had a chance to confirm. As such, the Landlord stated that he was not in agreement with the Tenant’s request to withdraw the application.

The parties were presented with the opportunity to settle their dispute and reached a settlement agreement which is outlined below.

### Settlement Agreement

Section 63 of the *Act* allows the parties to be assisted in reaching a settlement agreement and for that agreement to be recorded in the form of a decision and/or order. The parties reached the following agreement:

1. As the Tenant stated she has moved out of the rental unit, but this had not yet been confirmed by the Landlord, the parties agree that the Landlord will be issued a two-day Order of Possession.
2. This Order of Possession will be served to the Tenant should it be determined that the Tenant has not vacated the rental unit. The Tenant has two days after service of this Order to vacate the rental unit and return possession to the Landlord.

The parties confirmed that they were entering into the settlement agreement voluntarily and of their own free will. The parties also confirmed their understanding that a settlement agreement is final and binding and fully resolves the claims on the Application for Dispute Resolution.

### Conclusion

The parties are ordered to follow the settlement agreement. To uphold the settlement agreement, I grant an Order of Possession to the Landlord effective **two days after service of this Order** on the Tenant. 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.

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: February 04, 2019

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Residential Tenancy Branch