



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding THE DERBY MANOR
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT OLC

Introduction

This hearing dealt with the tenant's application for compensation for loss or damage under the Residential Tenancy Act (the "*Act*"), regulation or tenancy agreement and an application to have the landlord comply with the *Act*.

The applicant appeared on her own behalf and AF appeared at the hearing as a representative of the landlord. RL appeared on behalf of the landlord as legal counsel. Both parties had a full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions. The landlord acknowledged receipt of the tenant's Notice of Hearing and Application for Dispute Resolution. I find that the landlord was served in accordance with the *Act*.

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.

At the hearing the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a Decision:

The Parties mutually agreed as follows:

- The tenant shall move out of the rental unit by March 1, 2019.
- The landlord is granted an Order of Possession effective March 1, 2019.

- The landlord shall repay the tenant the entire security deposit of \$1,427.50 by March 1, 2019.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. The parties also testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Based on the above, I find that all matters between these parties raised in this application is resolved pursuant to the above agreed terms.

The parties are still bound by all of the rights, responsibilities, terms and conditions of the tenancy agreement, the *Act*, and the associated regulations.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect by March 1, 2019. The landlords are provided with this Order in the above terms and the tenant must be served with this Order. If the tenant fails to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

Further to the settlement reached by the parties, I dismiss all claims by both parties in this application without leave to reapply.

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 Tenanc*

Dated: February 08, 2019

Residential Tenancy Branch