



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPB OPL**

Introduction

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

- An Order of Possession for the landlord for breach of a vacate clause pursuant to section 55; and
- An Order of Possession for the landlord for landlord's use of property pursuant to sections 47 and 55.

As both parties were in attendance service of documents was confirmed. The tenant confirmed receipt of the landlord's Notice of Dispute Resolution Proceedings and the landlord's 2 Month Notice to End Tenancy for Landlord's Use. Based on the testimonies of the parties, I find that each party was served with the respective materials in accordance with sections 88 and 89 of the *Act*.

Settlement

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 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:

1. This tenancy will end at 1:00 p.m. on February 28, 2019, by which time the tenants and any other occupant will have vacated the rental unit.
2. The landlord and the tenant will together conduct a final move-out condition inspection commencing at 1:00 p.m. on February 28, 2019.

3. The tenant will provide the landlord with written notice of his forwarding address at 1:00 p.m. on February 28, 2019.
4. Both parties agree that this tenancy ends by way of this agreement and the 2 Month Notice to End Tenancy for Landlord's use is cancelled and of no further force or effect.
5. The rights and obligations of the parties under the *Act* continue until the tenancy ends in accordance with this agreement.
6. This settlement comprises the full and final settlement of the landlord's application.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession. The landlord is to serve this Order of Possession immediately and enforce it as early as 1:01 PM on February 28, 2019, should the landlord choose to do so.

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 12, 2019

Residential Tenancy Branch