



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION AND RECORD OF SETTLEMENT

Dispute Codes OPL-4M FFL

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the “Act”) for an undisputed 4 Month Notice to end Tenancy for Landlord’s Use (demolition) and recover the filing fee.

Both parties attended the hearing and provided testimony. The tenant confirmed receiving the Notice of Dispute Resolution Proceeding and the landlord’s evidence and further submitted their own evidence.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Evidence and Background

The tenant testified that on December 06, 2018 they received from the landlord a 4 Month Notice to End for Landlord’s Use with an effective date of April 30, 2019. The tenant confirmed they still occupy the rental unit however intend to vacate by the effective date of the landlord’s Notice. The tenant testified they did not file an application to dispute the landlord’s Notice.

Analysis

In this matter it is clear the tenant did not dispute / is not disputing the landlord’s Notice, which as a sum result they intend to vacate the rental unit by the effective date of the Notice. Despite the merit of the landlord’s application statutorily entitling them to an Order of Possession, during the course of the hearing the parties briefly addressed the matter in testimony and each agreed to settle the status of the tenancy and this dispute to the satisfaction of both parties.

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing and an Arbitrator may record their settlement as a Decision and Order. Pursuant to this provision, some discussion between the parties led to resolution of the relevant matter respecting the 4 Month Notice to End. As a result the parties confirmed to me that **they both agreed as follows;**

1. The tenancy will end April 30, 2019 and the landlord will receive an **Order of Possession** effective the agreed date.

Both parties testified in the hearing confirming to me that they understood and agreed to the above terms, and that the settlement particulars comprise the full and final settlement of the status of the tenancy.

So as to perfect this settlement agreement, the landlord is given an **Order of Possession**, effective **April 30, 2019**. The tenant must be served with this Order. If the tenant fails to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The landlord expressly waived recovery of their filing fee in this matter.

Conclusion

The parties settled their dispute in the above terms.

This Decision and Settlement agreement are final and binding.

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: March 19, 2019

Residential Tenancy Branch