



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

ET, FFL

Introduction

This hearing was scheduled in response to the Landlords' Application for Dispute Resolution, in which the Landlords applied for an Order of Possession, for an early end to the tenancy, and to recover the fee for filing this Application for Dispute Resolution.

The Landlord stated that on May 04, 2019 the Application for Dispute Resolution and the Notice of Hearing were placed under the door of the Tenant's rental unit. The Tenant stated that he located these documents on the floor of the common laundry room on, or about, May 22, 2019. As the Tenant acknowledged receipt of these documents, I find that they have been sufficiently served to the Tenant pursuant to section 71(2)(b) of the *Residential Tenancy Act (Act)*.

The Tenant was asked if he needed more time to respond to the Landlords' Application for Dispute Resolution. He responded that he is prepared to proceed today and that he does not require an adjournment. I therefore proceeded with the hearing in spite of the Tenant's testimony that he only recently received the aforementioned documents.

On April 24, 2019 the Landlord submitted 5 pages of evidence to the Residential Tenancy Branch. The Landlord stated that this evidence was not served to the Tenant as evidence for these proceedings. As this evidence was not served to the Tenant as evidence for these proceedings, it was not accepted as evidence for these proceedings.

On May 02, 2019 the Landlord submitted 7 pages of evidence to the Residential Tenancy Branch. The Landlord stated that this evidence was placed under the door of the Tenant's rental unit on May 04, 2019. The Tenant stated that he did not receive this evidence. As the Tenant did not acknowledge receiving this evidence and there is no

evidence to corroborate the Landlord's testimony that it was served, it was not accepted as evidence for these proceedings.

The Landlord was given the opportunity to request an adjournment for the purposes of re-serving the evidence he submitted to the Residential Tenancy Branch on May 02, 2019. He stated that he did not want the matter adjourned and that he is prepared to proceed with the hearing, with the understanding that his evidence was not being accepted.

Issue(s) to be Decided

Should this tenancy end early and, if so, should the Landlords be granted an Order of Possession?

Background and Evidence

Prior to discussing any of the details of this tenancy the Landlord and the Tenant mutually agreed to settle all issues in dispute at these proceedings under the following terms:

- the tenancy will end, by mutual agreement, on June 30, 2019; and
- the Tenant will vacate the unit by June 30, 2019.

This agreement was summarized for the parties on at least two occasions and both parties clearly indicated that they agreed to resolve this dispute under these terms.

The Landlord and the Tenant both acknowledged that they understand they were not required to enter into this agreement and that they understood the agreement was final and binding.

Analysis

All issues in dispute at these proceedings have been settled in accordance with the aforementioned terms.

Conclusion

On the basis of the settlement agreement I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on June 30, 2019. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, 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: May 27, 2019

Residential Tenancy Branch