



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOLYWELL PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FFL

Introduction

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

- an early end to tenancy and an order of possession, pursuant to section 56; and
- authorization to recover the filing fee for its application, pursuant to section 72.

The male tenant did not attend this hearing, which lasted approximately 14 minutes. The female tenant ("tenant"), the tenant's advocate, and the landlord's agent ("landlord") attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The tenant confirmed that she had permission to represent the male tenant at this hearing and that her advocate had permission to speak on the tenants' behalf at this hearing. The landlord confirmed that she was the property manager for the landlord named in this application, and that she had permission to speak on its behalf as an agent.

The tenant confirmed receipt of the landlord's application for dispute resolution hearing package and the landlord confirmed receipt of the tenants' evidence package. In accordance with sections 88, 89 and 90 of the *Act*, I find that the tenants were duly served with the landlord's application and the landlord was duly served with the tenants' evidence package.

Settlement Terms

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 and orders.

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 currently under dispute, except for the application filing fee, at this time:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on June 30, 2019, by which time the tenants and any other occupants will have vacated the rental unit;
2. The landlord agreed that this settlement agreement constitutes a final and binding resolution of the landlord's application, except for the \$100.00 application filing fee.

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

The landlord asked that I make a decision regarding the \$100.00 application filing fee. Since the landlord settled this application and I was not required to have a full hearing or make a decision about the merits of the landlord's application, I find that the landlord is not entitled to recover the \$100.00 filing fee from the tenants.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be used by the landlord **only** if the tenants and any other occupants fail to vacate the rental premises by 1:00 p.m. on June 30, 2019. The tenants must be served with this Order in the event that the tenants and any other occupants fail to vacate the rental premises by 1:00 p.m. on June 30, 2019. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlord's application for the \$100.00 filing fee is dismissed 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 Tenancy Act*.

Dated: June 27, 2019

Residential Tenancy Branch