



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes CNC, MT, LRE

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The tenant applied to cancel a 1 Month Notice to End Tenancy for Cause dated March 26, 2019 ("1 Month Notice"), for more time to make an application to cancel a notice to end tenancy, and for an order setting conditions on the landlord's right to enter the rental unit, site or property.

The tenant, a senior's advocate for the tenant ("advocate"), an agent for the landlord ("agent"), and a building manager for the landlord ("building manager") attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me. The parties were offered the opportunity to ask questions during the hearing.

Neither party raised any concerns regarding the service of documentary evidence.

Preliminary and Procedural Matter

The parties confirmed their email addresses at the outset of the hearing. The parties also confirmed their understanding that the decision would be emailed to both parties and that the order of possession would be sent by email to the landlord only for service on the tenant.

Settlement Agreement

During the hearing, the parties agreed to settle these matters, on the following conditions:

1. The parties agree that the tenancy will end on **July 15, 2019 at 3:00 p.m.**
2. The landlord is granted an order of possession effective July 15, 2019 at 3:00 p.m., which must be served on the tenant.
3. The parties agree that as long as the tenant vacates the rental unit by July 15, 2019 by 3:00 p.m., the landlord will accept ½ month's rent for July 2019.
4. The landlord agrees to only enter the rental unit in accordance with section 29 of the *Act*.
5. The tenant agrees to withdraw their application in full as part of this mutually settled agreement.

This settlement agreement was reached in accordance with section 63 of the *Act*. The parties confirmed their understanding and agreement that this mutually settled agreement was made on a voluntary basis and that the parties understood the final and binding nature of their settlement agreement and that it was enforceable.

Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above as per section 63 of the *Act*.

The tenancy shall end on July 15, 2019 at 3:00 p.m.

The landlord has been granted an order of possession, which will be served as noted above. This order must be served on the tenant and may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The decision will be emailed to both parties.

The order of possession will be emailed to the landlord for service on the tenant.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 17, 2019

Residential Tenancy Branch



Residential Tenancy Branch

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Now that you have your decision...

All decisions are binding and both landlord and tenant are required to comply.

The RTB website (www.gov.bc.ca/landlordtenant) has information about:

- How and when to enforce an order of possession:
Visit: www.gov.bc.ca/landlordtenant/orders
- How and when to enforce a monetary order:
Visit: www.gov.bc.ca/landlordtenant/orders
- How and when to have a decision or order corrected:
Visit: www.gov.bc.ca/landlordtenant/review to learn about the correction process
- How and when to have a decision or order clarified:
Visit: www.gov.bc.ca/landlordtenant/review to learn about the clarification process
- How and when to apply for the review of a decision:
Visit: www.gov.bc.ca/landlordtenant/review to learn about the review process
Please Note: Legislated deadlines apply

To personally speak with Residential Tenancy Branch (RTB) staff or listen to our 24 Hour Recorded Information Line, please call:

- Toll-free: 1-800-665-8779
- Lower Mainland: 604-660-1020
- Victoria: 250-387-1602

Contact any Service BC Centre or visit the RTB office nearest you. For current information on locations and office hours, visit the RTB web site at www.gov.bc.ca/landlordtenant

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