



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

FFL OPC

CNC

Introduction

This hearing dealt with applications from the landlord and the tenant pursuant to the Residential Tenancy Act ("Act").

The landlord applied for:

- Authorization to recover the filing fees from the tenant pursuant to section 72; and
- An order of possession for cause pursuant to section 47.

The tenant applied for:

- An order to cancel a One Month Notice to End Tenancy for Cause ("Notice") pursuant to section 47

Both the tenant and the landlord attended the hearing. The tenant acknowledged receipt of the landlord's Notice, and his application for dispute resolution proceedings and stated there were no concerns with timely service of documents.

The landlord denied being served with a copy of the tenant's application for dispute resolution proceedings. The tenant testified he was not aware he was responsible for serving the landlord with it.

Preliminary Issue

An application for dispute resolution is a document that is governed by section 89 of the Act. (reproduced below).

An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- a. by leaving a copy with the person;
- b. if the person is a landlord, by leaving a copy with an agent of the landlord;
- c. by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- d. if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- e. as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

The tenant has not served the application for dispute resolution proceedings in accordance with section 89 of the Act. I dismiss the tenant's application without leave to reapply.

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.

1. The tenant will pay to the landlord \$1,000.00 for rent for the month of July 2019.
2. This tenancy will end at 1:00 p.m. on July 31, 2019, by which time the tenant and any other occupant will have vacated the rental unit.
3. Both parties agree that this tenancy ends by way of this agreement and the Notice to End Tenancy is cancelled and of no further force or effect.
4. The rights and obligations of the parties under the Act continue until the tenancy ends in accordance with this agreement.
5. This settlement comprises the full and final settlement of both the parties' applications.

Both parties testified that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

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 parties agree that the tenant is to vacate the rental unit by 1:00 P.M. on July 31, 2019, and the landlord is to serve this Order of Possession immediately and enforce it as early as 1:01 PM on July 31, 2019, should the landlord choose to do so.

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 24, 2019

Residential Tenancy Branch