



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PROSPERO INTERNATIONAL REALTY  
INC. 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* (the "Act") for:

- An order for an early termination of tenancy and an Order of Possession for an immediate and severe risk pursuant to section 56;
- Authorization to recover the filing fees from the tenant pursuant to section 72.

Both parties attended the hearing. The landlord was represented by property manager, DH, the tenant was assisted by his advocate/nurse BJ and a social worker, RM. The tenant acknowledges being served with the Notice of Expedited Hearing and evidence by the landlord and had no issues with timely service of documents.

### Preliminary Issue

The parties agree that the tenant may, at times, require assistance with his mental health. The tenant's advocate/nurse and social worker did not raise an objection regarding the tenant's capacity to enter into an agreement. During the hearing, the tenant testified that he has found alternate accommodations, read out the address of his future rental unit and confirmed with the arbitrator that he did not wish to return to the subject rental unit. I was satisfied the tenant understood the nature of his agreement and was capable of entering into it.

### Settlement Reached

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.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time.

1. This tenancy will end, effective immediately.
2. Both parties agree that this tenancy ends by way of this agreement.
3. The landlord undertakes to pack and store the tenant's belongings with the assistance of the tenant's nominee.
4. This settlement comprises the full and final settlement of the landlord's application.

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, I issue the attached Order of Possession.

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: July 05, 2019

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Residential Tenancy Branch