



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CANADIAN MENTAL HEALTH ASSOCIATION KELOWNA
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for an early termination of tenancy and Order of Possession, pursuant to section 56.

The landlord's manager (the "manager"), the tenant's social worker and the tenant's sister 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's social worker testified that he had authority to speak on behalf of the tenant and had authority to enter into a settlement agreement on behalf of the tenant.

Both parties agree that the landlord posted his application for dispute resolution on the tenant's door on July 5, 2019. The tenant's sister testified that the tenant received the application on July 5th or 6th, 2019. I find that the landlord's application for dispute resolution was posted in accordance with section 89 of the *Act*.

Preliminary Issue- Amendment

The landlord's application for dispute resolution stated the unit number but not the street number of the subject rental address. Pursuant to section 64 of the *Act*, I amend the landlord's application to state the full address of the subject rental property.

Issue to be Decided

1. Is the landlord entitled to an early termination of tenancy and Order of Possession, pursuant to section 56 of the *Act*?

Analysis

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, engaged in a conversation, 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:

1. The tenant agrees to vacate the subject rental property by 1:00 p.m. on August 31, 2019.
2. The tenant agrees to move out of the subject rental property earlier than 1:00 p.m. on August 31, 2019 if possible.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final and binding, which settle all aspects of this dispute.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue the attached Order of Possession to the landlord, effective at 1:00 p.m. on August 31, 2019.

Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 19, 2019

Residential Tenancy Branch