



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

This hearing was scheduled to hear a landlord's application for an early end of tenancy and Order of Possession made under section 56 of the Act. Both parties appeared or were represented at the hearing and had the opportunity to make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

At the outset of the hearing, I confirmed the parties had exchanged their respective hearing documents and evidence upon each other. I also explained the hearing process to the parties and permitted the parties to ask questions.

During the hearing, the parties expressed an interest in resolving their dispute by way of a mutual agreement. I was able to facilitate a mutual agreement between the parties and I have recorded the terms of their agreement by way of the decision and orders that accompany it.

### Issue(s) to be Decided

What are the terms of the mutual agreement?

### Background and Evidence

The parties mutually agreed upon the following terms and conditions during the hearing:

1. The tenant shall return vacant possession of the rental unit to the landlord, in a reasonably clean and undamaged condition, no later than August 1, 2019 provided the tenant pays \$1,800.00 to the landlord no later than July 12, 2019.

2. The tenant is compensated the equivalent of \$1,800.00 by withholding rent for the month of June 2019.
3. The landlord shall also waive any entitlement to utilities that may be payable by the tenant.
4. The landlord shall be permitted to show the rental unit to prospective tenants during the remainder of the tenancy provided the tenant gives consent for entry or the landlord gives a proper notice to enter.
5. The tenant shall continue to maintain the yard as required under his tenancy agreement.
6. The tenant remains entitled to quiet enjoyment of the rental unit.
7. The security deposit and pet damage deposit shall be administered in accordance with the Act at the end of the tenancy.
8. The hearing set for August 2, 2019 to deal with the tenant's Application for Dispute Resolution (file number referenced on the cover page of this decision) is cancelled.
9. The landlord shall bear the cost of the filing fee paid for this Application and the tenant shall bear the cost of the filing fee paid for the Tenant's Application that was set to be heard on August 2, 2019.

### Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlord with the following orders:

- An Order of Possession effective two (2) days after service upon the tenant that may be served and enforced only in the event the tenant fails to pay the landlord \$1,800.00 by July 12, 2019.
- An Order of Possession effective August 1, 2019 that may be served and enforced in any circumstance.
- A Monetary Order in the amount of \$1,800.00 to ensure rent for July 2019 is paid.

Conclusion

The parties resolved their dispute by way of a mutual agreement that I have recorded by way of this decision and the orders that accompany it, as described in the section above.

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 02, 2019

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Residential Tenancy Branch