



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Disputes Codes: ET & FF

### Introduction

The Application for Dispute Resolution filed by the Landlord seeks the following:

- a. An order for the early termination of the tenancy and an Order of Possession.
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present. Rather than proceed with the litigation of this matter the parties entered into settlement negotiations and reached a settlement.

I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was personally served on the Tenants on July 23, 2019. With respect to each of the applicant's claims I find as follows:

### Issues to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for the early termination of the tenancy and an Order for Possession?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence:

The tenancy began on October 1, 2017. The rent was \$2450 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$1225 on September 9, 2017 and a pet damage deposit of \$500 on October 1, 2017. The rent has been increased to \$2548 per month. The rent has been paid for August 2019.

The tenants proposed that they wished to vacate as quickly as possible but in any event they agreed they would vacate by September 30, 2019.

### Settlement:

The parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on September 30, 2019.

- b. The parties request that the arbitrator issue an Order of Possession for September 30, 2019.
- c. The parties agree that should the tenants find alternative accommodation which permits them to vacate the rental by August 31, 2019 the tenants shall immediately give the landlord written notice that they are vacating on August 31, 2019 and the landlord agrees not to claim for loss of rent for September 2019.
- d. If the Tenants are unable to find alternative accommodation for September 1, 2019 the Tenants shall pay the rent for September in full on the due date.
- e. If the Tenants find alternative accommodation for September 15, 2019 and immediately advise the landlord of their intention to leave by that date and they vacate the rental unit by September 15, 2019 the landlord shall refund half of the rent that was paid for September. If the tenants vacate after that date the landlord shall be entitled to retain the full rent for the month of September.
- f. The landlord withdraws the one month Notice to End Tenancy that was issued on July 29, 2019 with consent of both parties.

Order of Possession:

As a result of the settlement I granted an Order of Possession effective September 30, 2019.

I dismissed the claim to recover the cost of the filing fee as the settlement did not include that issue.

The tenants must be served with this Order as soon as possible. Should the tenants fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

**This decision is final and binding on the parties.**

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: August 09, 2019

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Residential Tenancy Branch