



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Canadian Mental Health Association
Kootenays and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This expedited hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord attended the hearing and provided testimony. The Tenant also attended the hearing along with her agent and advocate.

Given this is an expedited hearing, I take note of the following Orders by the Branch Director and the related Rules:

Pursuant to sections 71(2)(a) and (c) of the RTA and sections 64(2)(a) and (c) of the MHPTA, the Director Orders that documents be served as follows for an expedited hearing:

- 1. A party to an application for dispute resolution set down under Rule 10 of the rules of procedure for a hearing date that is between **six and 11** days after the date the application is made must serve their materials*
 - 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, or*
 - c. if the person is a tenant, by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant.*
- 2. A party to an application for dispute resolution set down under Rule 10 of the rules of procedure for a hearing date that is between **12 and 16** days after the date the application is made must serve their materials*
 - a. by any method set out in paragraph 1 of this order,*
 - b. by attaching a copy to a door or other conspicuous place at the address at which the person resides, or*

c. if the person is a landlord, by attaching a copy to a door or other conspicuous place at the address at which the person carries on business as a landlord.

After reviewing this application, I note the application was made and the Notice of Hearing was made available to the applicant 13 days before this hearing. The applicant stated that they served the Notice of Hearing and evidence by posting it to the door on September 10, 2019. I find the applicant sufficiently served the respondent and in accordance with the Rules for this type of hearing. The Tenant acknowledged receiving this package on September 12, 2019.

Both parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Settlement Agreement

During the hearing, a mutual agreement was discussed and the Landlord agreed to withdraw her application to end the tenancy early in pursuit of the following settlement agreement.

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.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

- The Tenant will move out of the rental unit by **October 25, 2019, at 1pm.**
- These terms comprise the full and final settlement of all aspects of this dispute for both parties.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

To give effect to the settlement reached by the parties, I also grant the Landlord an Order of Possession effective October 25, 2019, at 1pm to reflect the end of tenancy.

Conclusion

In support of the agreement described above, the landlord is granted an order of possession effective October 25, 2019, at 1pm and after service on the tenant. The Landlord may serve and enforce this Order if the Tenant fails to move out as specified above.

This Order **must** be read in conjunction with the above settlement agreement and the Landlord **must not** seek to enforce this Order on the Tenant, unless the Tenant fails to meet the conditions of this agreement.

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: September 23, 2019

Residential Tenancy Branch