



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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 and
- Authorization to recover the filing fees from the tenant pursuant to section 72.

Both the landlord and the tenant attended the hearing. The tenant acknowledged receipt of the landlord's application for an expedited hearing and stated there were no issues with timely service of documents.

Preliminary Issue

The landlord testified the second named respondent on the application was not named on the tenancy agreement. In accordance with Rule 6.2 I determined that the landlord did not have any claim against the other named party and I dismiss the claim against him. The parties' corrected names are reflected on the cover page of this decision in accordance with Rule 4.2.

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.

1. The parties mutually agree that the tenancy will end on September 21, 2019 at 1:00 p.m. and the landlord's application for an early end to tenancy pursuant to section 56 of the *Act* is withdrawn;

2. The rights and obligations of the parties under the *Act* continue until the tenancy ends;
3. The tenant agrees that for the remainder of the tenancy, she will not have guests in the rental unit beyond 10:00 p.m. with the exception of the tenant's mother;
4. This settlement comprises the full and final settlement of the landlord's application.

Both parties testified at the hearing 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 and as discussed at the hearing, I issue the attached Order of Possession to be used by the landlord **only** if the tenant fails to vacate the rental unit by 1:00 p.m. on September 21, 2019. The landlord is provided with this Order in the above terms and the tenant must be served with this Order.

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: September 19, 2019

Residential Tenancy Branch