



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ISLD. EXPLORER PROP. MGMT
LT. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL-4M, OLC

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on August 28, 2019, in which the Tenant sought to cancel a 4 Month Notice to End Tenancy issued on July 31, 2019 (the "Notice") and an Order that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation* and/or the residential tenancy agreement.

The hearing of the Tenant's Application was scheduled for teleconference at 9:30 a.m. on October 22, 2019. The Tenant called into the hearing on her own behalf and the Landlord was represented by his Managing Broker, S.A. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Preliminary Matter

At the outset of the hearing the corporate Landlord's agent confirmed the correct spelling of the corporation; pursuant to section 64(3)(c) I amend the Tenant's Application to correctly name the Landlord.

Settlement and Conclusion

During the hearing the parties reached a comprehensive settlement. Pursuant to section 63 of the *Act*, I record their agreement in this my Decision and resulting Orders. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims.

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 the Tenant's Application.

The terms of the settlement are as follows.

1. The Tenant will vacate the rental unit by no later than **1:00 p.m. on October 31, 2019.**
2. The Landlord is entitled to an Order of Possession effective **1:00 p.m. on October 31, 2019.** If the Tenant fails to move from the rental unit as agreed, the Landlord shall serve the Order of Possession on the Tenant and may file and enforce the Order in the B.C. Supreme Court.
3. On or before 1:00 p.m. on October 31, 2019, the Landlord shall pay to the Tenant the sum of **\$3,300.00** such sum to include \$800.00 (pursuant to section 51(1) of the *Residential Tenancy Act*) for the Tenant's October 2019 rent, and \$2,500.00 as an incentive for the Tenant to move out of the rental unit one month before the effective date of the Notice.
4. The Tenant is entitled to a Monetary Order in the amount of **\$3,300.00.** Should the Landlord not pay the Tenant as agreed, the Tenant shall serve the Monetary Order on the Landlord and may be filed and enforce in the B.C. Provincial Court (Small Claims Division).
5. The Tenant retains the right to claim further monetary compensation pursuant to section 51(2) of the *Residential Tenancy Act*.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: October 22, 2019

Residential Tenancy Branch