



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on October 23, 2019, in which the Landlord sought an early end to tenancy and recovery of the filing fee.

The Landlord's Application was scheduled for a teleconference hearing at 9:30 a.m. on November 15, 2019. Initially, only the Landlord and his witness, C.V., called into the hearing. The Tenant did not call into this hearing until 9:48 a.m. Although the Tenant was late calling into the hearing, both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

### Settlement and Conclusion

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. 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 Landlord's application. The terms of their settlement follow.

### Settlement and Conclusion

1. The tenancy shall end and the Tenant shall vacate the rental unit by no later than 1:00 p.m. on December 3, 2019.
2. The Landlord is granted an Order of Possession effective 1:00 p.m. on December 3, 2019. The Landlord must serve the Order on the Tenant as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
3. The Tenant shall not smoke in the rental unit.
4. The Landlord shall not enter the rental unit except in accordance with section 29 of the *Act* and this Order.
5. The Landlord shall ensure the heat in the rental unit remains at 22 degrees and shall provide the Tenant with a space heater which he will drop off outside the rental unit on November 15, 2019.
6. The Landlord shall attend the rental unit on Saturday November 16, 2019 at 10:00 a.m. to address issues with the stove and the toilet.

The parties acknowledged they had a further hearing before the Residential Tenancy Branch on December 10, 2019. The parties confirmed they would advise the presiding Arbitrator as to the outcome of the hearing on this date.

The parties are at liberty to apply for such further relief and are reminded of the strict two year limitation imposed by section 60 of the *Residential Tenancy Act*.

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: November 15, 2019

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Residential Tenancy Branch