



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* (the "Act") for An Order of Possession for Cause pursuant to sections 47 and 55.

All of the named landlords attended the hearing and were represented by their agent, RB, hereinafter called ("landlord"). The tenant attended the hearing on his own behalf.

The landlord testified she served the tenant with the Notice of Dispute Resolution Proceedings package by registered mail to the tenant's residence on October 25, 2019. The tracking number is noted on the cover page of this decision. The landlord testified it was returned as undelivered. The tenant testified he was unavailable to pick up his registered mail as he has been travelling back and forth between the rental property and his new housing located over 400 km away. I find the Notice of Dispute Resolution Proceedings package to be deemed served on October 30, 2019, five days after sending by registered mail in accordance with sections 89 and 90 of the *Act*.

The parties agree that the landlord served the tenant with the One Month Notice to End Tenancy for Cause ("notice") on October 2, 2019 by personal service. I find the tenant duly served with the notice on the same day.

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.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. This tenancy will end at 1:00 p.m. on January 31, 2020 by which time the tenant and any other occupant will have vacated the rental unit and residential property.
2. Both parties agree that this tenancy ends by way of this agreement and the Notice to End Tenancy is cancelled and of no further force or effect.
3. The rights and obligations of the parties under the *Act* continue until the tenancy ends in accordance with this agreement.
4. The tenant agrees to remove all his personal property on or before 1:00 p.m. on January 31, 2020.
5. This settlement comprises the full and final settlement of the landlord's application.

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 landlords **only** if the tenant fails to vacate the rental unit by 1:00 p.m. on January 31, 2020. The landlords are provided with this Order in the above terms and the tenant must be served with this Order in the event that the tenant does not vacate the premises by 1:00 p.m. on January 31, 2020. 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: December 12, 2019

Residential Tenancy Branch