



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC OLC

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act). The tenant applied to cancel a 1 Month Notice to End Tenancy for Cause dated October 26, 2019 (1 Month Notice) and for an order directing the landlord to comply with the Act, regulation or tenancy agreement.

The tenant and landlord RC (landlord) attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

Neither party raised any concerns regarding the service of documentary evidence. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

At the outset of the hearing, the tenant advised that they decided to vacate the rental unit and the parties expressed interest in resolving this matter by way of a mutually settled agreement pursuant to section 63 of the Act. The mutual agreement will be described further in detail below.

In addition, the parties provided their email addresses at the outset of the hearing, which were confirmed by the undersigned arbitrator. The parties confirmed their understanding that the decision would be emailed to both parties and that the order of possession would only be emailed to the landlord for service on the tenants as necessary.

Settlement Agreement

During the hearing, the parties agreed to these matters on the following conditions:

1. The tenant agrees to withdraw their application to dispute the 1 Month Notice in full and agrees to vacate the rental unit by **January 1, 2020 at 1:00 p.m.**

2. The landlord is granted an order of possession effective January 1, 2020 at 1:00 p.m.
3. The parties agree to meet at the rental unit at 1:00 p.m. on January 1, 2020 for the purposes of completing an outgoing Condition Inspection Report and for the return of the rental unit keys.

This settlement agreement was reached in accordance with section 63 of the Act. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the binding nature of this full and final settlement of these matters.

Conclusion

I order the parties to comply with the terms of their settled agreement, pursuant to section 63 of the Act.

The landlord has been granted an order of possession effective January 1, 2020 at 1:00 p.m. Should the tenant fail to vacate the rental unit by 1:00 p.m. on January 1, 2020, the landlord must serve the order of possession on the tenant.

The order of possession may be filed in the Supreme Court and enforced as an order of that court.

The parties confirmed their understanding that while they voluntarily formed this mutual agreement that the agreement is final and binding under the Act.

This decision will be emailed to both parties.

The order of possession will be emailed to the landlords for service on the tenant, if necessary.

This decision is final and binding on the parties, unless 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: December 30, 2019

Residential Tenancy Branch