



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KERR PROPERTIES 002 LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNC, OPC

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession pursuant to Section 55. The tenant applied to cancel the notice to end tenancy, pursuant to Section 47.

Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The female tenant represented the tenants. The landlord was represented by two agents.

As both parties were in attendance, I confirmed service of documents. The parties confirmed receipt of each other's application for dispute resolution and evidence. I find that the parties were served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began in June 2019. An incident took place on November 22, 2019 which involved the tenants and other occupants of the mobile park. The police attended. The incident involved drunken and disorderly behaviour. On November 26, 2019, the landlord served the tenant with a one-month notice to end tenancy for cause.

During the hearing, the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties 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 and an order.

During this hearing, the parties reached an agreement to settle their dispute. Both parties agreed to the following terms:

1. The tenant agreed to move out by 1:00p.m. on March 01, 2020.
2. The landlord agreed to allow the tenancy to continue till 1:00p.m. on March 01, 2020. An order of possession will be granted to the landlord effective this date.
3. Both parties stated that they understood and agreed that these particulars comprise the full and final settlement of all aspects of this dispute for both parties.
4. The tenant agreed to refrain from giving other residents of the park reason to complain and also agreed to exercise any additional goodwill and spirit of cooperation necessary in regard to the above undertakings, which might be required to achieve a positive end to this landlord – tenant relationship.

Pursuant to the above agreement, I grant the landlord an order of possession effective by 1:00p.m. on March 01, 2020. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The tenant and the landlord have reached a settled agreement, as recorded above. This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

The tenants would be wise to ensure that they or their guests do not cause any disturbances in the mobile park. I find it timely to put the tenants on notice that, if they do not comply with the terms of this agreement and another notice to end tenancy is issued, the record of these events would form part of the landlord's case should it again come before an Arbitrator for consideration.

Conclusion

I grant the landlord an order of possession effective by 1:00p.m. on March 01, 2020.

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: January 28, 2020

Residential Tenancy Branch