



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes

ET FFL

### Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Early Termination of Tenancy and Order for Possession due to the tenant posing an immediate and severe risk to the rental property pursuant to section 56 of the *Act*; and
- recovery of the filing fee from the tenant pursuant to section 72 of the *Act*.

Both parties attended the hearing at the date and time scheduled for this hearing. Both tenants were in attendance. Landlord D.S. attended with the landlord's agent T.D. who confirmed he was authorized to act on behalf of both landlords.

At the outset of the hearing, the tenants explained that they had already vacated the rental unit the day before the hearing, on January 8, 2020. They stated that they had left the rental unit keys and garage access fob on the kitchen counter in the rental unit.

As the tenancy had ended, I provided the parties an opportunity to come to a settlement of the landlords' issues. 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.

### Issue(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession? Is the landlord entitled to recover the filing fee for this application from the tenant?

### Analysis

The parties voluntarily agreed to the following final and binding settlement of the issues set out in the landlords' Application for Dispute Resolution:

1. The landlords are granted an Order of Possession dated January 9, 2020.
2. The landlords are granted a Monetary Order for \$100.00 for the recovery of the cost of the filing fee for the Application for Dispute Resolution.

### Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue to the landlords the following orders:

- 1) An Order of Possession to be served on the tenants by the landlords only if the tenants fail to vacate the rental unit **by 1:00 p.m. on January 9, 2020**. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.
- 2) A Monetary Order in the amount of \$100.00 to be served on the tenants by the landlords. Should the tenants fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and be enforced as an Order of that Court. If the tenants only make a partial payment and not the total amount, this partial payment must be accounted for if the landlord is enforcing the Monetary Order.

The landlords' Application for Dispute Resolution is dismissed in its entirety as the claims have been settled through this settlement Decision.

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 09, 2020

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Residential Tenancy Branch