



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 an application by the landlord pursuant to the *Residential Tenancy Act* (“the Act”) for an order as follows:

- An Order of Possession pursuant to section 55 of the *Act*.

Both the tenant and the landlord’s agent, M.L. attended the hearing by way of conference call. All parties were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The tenant confirmed receipt of the landlord’s 1 Month Notice to End Tenancy but disputed having received the landlord’s notice of hearing and evidentiary package. The landlord testified that he gave the notice of hearing and evidentiary package to the tenant in person on December 10, 2019, while the tenant maintained these were “other” documents not associated with this dispute. The tenant said he was given the correct dial-in information by staff at the property. I find pursuant to section 71(2)(b) of the *Act* that the notice of hearing were sufficiently served to the tenant on December 10, 2019.

Analysis

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. Both parties entered into a mutual agreement that this tenancy will end on February 29, 2020 at 1:00 P.M., by which date the tenant and any other occupants will have vacated the rental unit.

2. The parties agreed that this tenancy ends by way of a mutual agreement and not on the basis of the 1 Month Notice to End Tenancy issued on October 31, 2019.
3. Both parties agreed that this settlement agreement constituted a final and binding resolution of the landlord's application.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. 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 with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect by 1:00 P.M. on February 29, 2020. The landlord is 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 abide by condition #1 of the above settlement. 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: February 4, 2020

Residential Tenancy Branch