



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 a landlord's application for an order to end the tenancy early and an Order of Possession filed under section 56 of the Act. Both parties appeared or were represented at the hearing and had the opportunity to make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

At the outset of the hearing, I explored service of hearing documents and evidence upon each other. I was satisfied the landlord served the tenants with the proceeding package in a manner that complies with the Act. I also confirmed that the tenant's response was sufficiently served upon the landlord. However, I determined the landlords had not served their photographic evidence upon the tenants. I informed the parties that I would not admit the landlord's photographs into evidence but that the landlords may describe the photographs orally during the hearing so that the tenant may hear the evidence and respond to it.

The landlords had named four tenants in making this Application for Dispute Resolution. I heard that two of the named tenants are actually minor children of the tenants. With consent of all parties, the style of cause has been amended to exclude the minor children as named tenants. I informed the parties that I considered the tenants' minor children to be occupants of the rental unit.

The style of cause was also amended, by consent, to correctly spell the female tenant's first name.

I have also amended the style of cause to differentiate the rental unit from the landlord's unit by adding "basement suite" to the address of the rental unit.

After hearing from both parties, I recognized the seriousness of the circumstances of March 24, 2020 and the potential fear of harm to the landlords and/or their property but I also accepted the tenant's position with respect to the difficulty in moving during the COVID-19 pandemic. In doing so, I attempted to facilitate a mutual agreement between the parties and the parties were able to reach an agreement that I have recorded it by way of this decision and the orders that accompany it.

Issue(s) to be Decided

What are the terms of agreement with respect to ending of this tenancy?

Background and Evidence

During the hearing, the parties mutually agreed upon the following terms:

1. The tenancy shall end no later than May 31, 2020 and the landlords shall be provided an Order of Possession reflecting this date under section 56 of the Act which is enforceable by court order despite a State of Emergency.
2. The tenants are permitted to end the tenancy earlier than May 31, 2020.
3. The tenants are permitted to install "double locks" on the entry door of the rental unit with the intended purpose of ensuring their 17 year old special needs son does not leave the rental unit without being accompanied by one of the adult tenants.
4. The installation of the "double locks" is at the tenants' expense and the tenants are to provide the landlords a copy of the key(s) needed to open the locks.
5. The tenant(s) shall ensure their 17 year old son does not leave the rental unit without being accompanied by one of the adult tenants and make every effort to avoid contact between their 17 year old son and the landlords.
6. The tenants remain obligated to pay rent for April 2020 and in recognition of this liability the landlords are to be provided a Monetary Order in the amount of \$1,150.00 to serve and enforce upon the tenants.

Analysis

Under section 56 of the Act, a landlord may seek an order to end the tenancy earlier than by way of a 1 Month Notice to End Tenancy for Cause where the landlord has cause to end the tenancy and the circumstances are such that it would be unreasonable to wait for a 1 Month Notice to End Tenancy for Cause to take effect.

Under section 63 of the Act, I have the authority to assist parties in reaching a agreement during the hearing and to record the agreement in the form of a decision or order.

During the hearing, I heard from both parties and I facilitated a mutual agreement between the parties in resolution of this Application for Dispute Resolution. I have accepted and recorded the mutual agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlords with an Order of Possession effective at 1:00 p.m. on May 31, 2020 under section 56 of the Act.

I further award the landlords recovery of the \$100.00 filing fee and this award is added to the Monetary Order provided to the landlords with this decision.

Conclusion

The parties reached an agreement during the hearing in resolution of this matter. I have recorded the terms of the agreement in this decision and in recognition of the mutual agreement I provide the landlords with an Order of Possession effective at 1:00 p.m. on May 31, 2020 under section 56 of the Act. I also provide the landlords with a Monetary Order in the sum of \$1,250.00 which is the sum of the unpaid rent for April 2020 and recovery of the filing fee paid for this Application for Dispute Resolution.

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: April 09, 2020

Residential Tenancy Branch