



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, FFT**

Introduction

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

- An order to cancel a One Month Notice To End Tenancy for End of Employment pursuant to section 47; and
- Authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant attended the hearing and the landlord attended the hearing represented by IJ, director of property management and their counsel, KH. Neither party raised any issues with service of the Application for Dispute Resolution or evidence.

Settlement reached

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. The parties agree to a mutual agreement to end the tenancy. This tenancy will end on May 1, 2020 at 1:00 p.m. by which time the tenant and any other occupant will have vacated the rental unit.
2. The tenant is to provide peaceful vacant possession of the rental unit to the landlord.
3. The tenant will return the keys in her possession to the landlord by 1:00 p.m. on Monday, May 4, 2020.

4. The tenant is to take all the tenant's possessions from the rental unit as well as the storage room in the other building possessed by the landlord.
5. The landlord will not charge the tenant rent for the month of April 2020.
6. The parties agree to release one another from any future claims regarding this tenancy with the exception of the landlord's right to commence an Application for Dispute Resolution for damages done to the rental unit.
7. The landlord agrees that the landlord will not seek section 67 compensation from the tenant for the screw holes in the bedroom and living room from the TV mounts.
8. The parties agree to schedule a condition inspection report at 1:00 p.m. on Monday, May 4, 2020.

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.

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue an Order of Possession to the landlord effective May 1, 2020 at 1:00 p.m.

Pursuant to section 72 of the Act, the recovery of the filing fee is discretionary upon the arbitrator and I decline the tenant's application to recover it from the landlord.

Conclusion

I grant an Order of Possession to the landlord effective May 1, 2020 at 1:00 p.m.

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: May 01, 2020

Residential Tenancy Branch