



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

ET AND FFL

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession and for an early end to the tenancy and to recover the fee for filing this Application for Dispute Resolution.

The Landlord stated that on April 17, 2020 the Dispute Resolution Package was served to the Tenants, by email. Service of documents by email was permissible in April of 2020, due to the COVID-19 pandemic. The Tenant acknowledged that she and the male Tenant received these documents. The Tenant stated that she is representing the male Tenant at these proceedings, as he is unable to attend.

On the basis of the testimony of the Tenant, I find that she is representing the male Tenant at these proceedings. As the male Tenant was served with notice of these proceedings and he is represented at the hearing, I find that these proceedings should proceed in the absence of the male Tenant.

On April 05, 2020 and April 17, 2020, the Landlord submitted evidence to the Residential Tenancy Branch. The Landlord stated that this evidence was served to the Tenants, via email, on April 17, 2020. As the hearing notice was generated by the Residential Tenancy Branch on April 16, 2020, I find that this evidence was served to the Tenants in accordance with Rule 10.3 of the Residential Tenancy Branch Rules of Procedure. The Tenant acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

On April 25, 2020, the Landlord submitted evidence to the Residential Tenancy Branch. The Landlord stated that this evidence was served to the Tenants, via email, on May 03, 2020. Service of documents by email was permissible on May 03, 2020, due to the COVID-19 pandemic. I find that this evidence was not served to the Tenants in accordance with Rule 10.3 of the Residential Tenancy Branch Rules of Procedure.

The Landlord stated that the documents served on May 03, 2020 were not served with the original evidence package because they relate to events that occurred after the first evidence package was served to the Tenant.

Legal Counsel for the Tenants stated that the Tenants are willing to accept the documents that were served to the Tenants on May 03, 2020, without the need for an adjournment, providing the documents are not being accepted as “proof of their content”. As the Tenant acknowledged receiving this evidence, the Tenant declined the opportunity for more time to consider those documents, and the Landlord stated that the documents were not available when the first evidence package was served to the Tenant, I find it reasonable to accept these documents as evidence for these proceedings, pursuant to Rule 3.17 of the Residential Tenancy Branch Rules of Procedure.

On April 28, 2020 the Tenants submitted evidence to the Residential Tenancy Branch. The Tenant stated that this evidence was served to the Landlord, via email, on April 28, 2020. I find that this evidence was served to the Landlord in accordance with Rule 10.5 of the Residential Tenancy Branch Rules of Procedure. The Landlord acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

The Landlord and the Tenant affirmed that they would speak the truth, the whole truth, and nothing but the truth during these proceedings.

Issue(s) to be Decided

Should this tenancy end early and, if so, should the Landlord be granted an Order of Possession?

Background and Evidence

Shortly after we began discussing the terms of this tenancy agreement, the parties indicated they wished to enter into a settlement agreement. The Landlord and the

Tenant mutually agreed to settle all issues in dispute at these proceedings under the following terms:

- The tenancy will end, by mutual agreement, on May 15, 2020;
- The parties will meet at the rental unit between 3:00 and 6:00 p.m. on May 15, 2020;
- When the parties meet on May 15, 2020 the Landlord will return \$1,425.00 to the Tenant, which represents a rent refund for the last half of May of 2020;
- When the parties meet on May 15, 2020 the Landlord will return all post-dated cheques from the Tenant that she still has in her possession;
- When the parties meet on May 15, 2020 the Landlord and the female Tenant will be the only people inside the rental unit;
- The Landlord will receive an Order of Possession for the rental unit, effective May 15, 2020; and
- The Tenant will receive a monetary Order for \$1,45.00.

Analysis

I find that all issues in dispute at these proceedings have been settled in accordance with the terms of the aforementioned settlement agreement.

Conclusion

On the basis of the aforementioned settlement agreement, I grant the Landlord an Order of Possession, which is effective on May 15, 2020.

It is my understanding that due to the current health crisis in British Columbia, the Supreme Court of British Columbia is not enforcing most Orders of Possession. This does not affect the validity of this Order of Possession. In the event the Tenant is able to safely move out of the rental unit during this health crisis by the effective date of this Order of Possession, the Tenant should do so.

In the event the Tenant does not vacate the rental unit by the effective date of the Order of Possession, the Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court whenever that Court deems it appropriate.

On the basis of the aforementioned settlement agreement, I grant the Tenant a monetary Order for \$1,425.00. In the event the Landlord does not pay the Tenant

\$1,425.00 by May 15, 2020, this Order may be served on the Landlord, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

This settlement agreement is recorded 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 05, 2020

Residential Tenancy Branch