



# 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 landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an early end to tenancy and an order of possession, pursuant to section 56;
- authorization to recover the filing fee for this application, pursuant to section 67.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. This hearing lasted approximately 55 minutes.

The tenant confirmed receipt of the landlord's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was duly served with the landlord's application.

### Settlement Terms

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 and orders. 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 tenant agreed that he will not smoke, vape or burn odorous materials inside the rental property for the remainder of this tenancy;

2. Both parties agreed that this tenancy will end by 1:00 p.m. on June 7, 2020, by which time the tenant and any other occupants will have vacated the rental unit, in the event that the tenant abides by condition 1 of the above settlement;
3. Both parties agreed that this tenancy will end earlier than June 7, 2020, pursuant to an Order of Possession, if the tenant does not abide by condition 1 of the above settlement;
4. The tenant agreed to provide access to the rental unit for the landlord to turn off the furnace, provided that the landlord first gives notice in accordance with section 29 of the *Act*;
5. The landlord agreed that he will not enter the rental unit or the common area of the basement at the rental property, except in compliance with *Ministerial Order M089* issued March 30, 2020, pursuant to the State of Emergency declared on March 18, 2020;
6. The landlord agreed to bear the cost of the \$100.00 filing fee paid for this application;
7. The landlord agreed that this settlement agreement constitutes a final and binding resolution of this application.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties understood and agreed to the above terms, free of any duress or coercion. Both parties affirmed that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Both parties were unable to agree about the amount of days to vacate in the order of possession. The landlord made a submission of three days. The tenant did not make any submissions. Both parties asked that I make a decision about it. I have determined that seven (7) days is reasonable and appropriate.

Both parties were unable to agree on a burden of proof for condition 1 of this settlement. I informed them that they are at liberty to apply at the Residential Tenancy Branch if they are unable to reach an agreement.

### Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue the attached seven (7) day Order of Possession to be used by the landlord **only** if the tenant does not abide by condition 1 of the above settlement. The landlord is provided with this Order in the above terms and the tenant

must be served with this Order as soon as possible after he does not comply with the above agreement. 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.

In the event that the tenant abides by condition 1 of the above settlement, this tenancy continues only until 1:00 p.m. on June 7, 2020.

The landlord must bear the cost of the \$100.00 filing fee paid for this application.

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 07, 2020

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Residential Tenancy Branch