



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC FFT

Introduction

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

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant attended the hearing. The landlord was represented at the hearing by two agents "**JB**" and "**JM**"). All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

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, engaged in a conversation, 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 and all future issues relating to the tenancy, except as set out below:

1. The tenant will provide vacant possession of the residential property to the landlord by May 31, 2020 at 1:00 pm;
2. The tenant will leave the rental unit in a "good and habitable" condition at the end of the tenancy, which includes, but is not limited to:
 - a. The tenant cleaning the rental unit; and
 - b. The tenant removing all garbage, debris, and personal property from the rental unit.
3. If the tenant fails to leave the rental unit in a "good and habitable" condition, the landlord may make a claim against the tenant for the damage it suffered as a result of this failure (the "**Rental Unit Condition Claim**").

This comprises the full and final settlement of all aspects of this dispute and all future disputes relating to this tenancy between the parties, except the Rental Unit Condition Claim. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final and binding, which settle all aspects of this and all future disputes relating to the tenancy between these two parties, except for the Rental Unit Condition Claim.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached order of possession which orders that the tenant provide vacant possession of the rental unit to the landlord by 1:00 pm on May 31, 2020.

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 7, 2020

Residential Tenancy Branch