



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order ending the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under section 47 of the Act.

The landlord and the tenant attended, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process. The landlord's witness also joined the hearing when called upon to testify and provided oral submissions.

The evidence was discussed and the tenant denied receiving the landlord's evidence. The landlord said that he served the tenant with his evidence on May 5, 2020, providing a photograph showing the envelope was placed at the tenant's door.

The tenant requested an adjournment of the hearing, in order to submit her evidence. I informed the tenant that I would continue with the hearing and make a determination on her request after the testimony on the merits of the landlord's application.

The parties were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

Thereafter a mediated discussion ensued and the parties agreed to resolve their differences and that I would record their settlement. As the parties settled this matter, it was not necessary to determine the tenant's request for an adjournment.

Settled Agreement

The landlord and the tenant agreed to a mutual settlement under the following terms and conditions:

1. The tenant agrees to vacate the rental unit by 1:00 p.m. on June 1, 2020;
2. The tenant understands the landlord will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenant fails to vacate the rental unit by 1:00 p.m., June 1, 2020, the landlord may serve the order of possession on the tenant for enforcement purposes; and
3. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the landlord's application and that no finding is made on the merits of the said application for dispute resolution.

Conclusion

The landlord and the tenant have reached a settled agreement.

Based upon the settled agreement as outlined above, I provide the landlord with an order of possession for the rental unit in the event the tenant fails to vacate the rental unit by June 1, 2020, at 1:00 p.m.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

This decision containing the recorded settlement of the parties 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 19, 2020

Residential Tenancy Branch