



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OLC, LRE, AAT, FF

Introduction

This hearing dealt with an application by the tenant for an order directing the landlord to comply with the *Act* to set conditions on the landlord's right to enter the rental unit and for the landlord to allow the tenant access to the rental. The tenant also applied for the recovery of the filing fee.

Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The parties represented themselves.

As both parties were in attendance, I confirmed service of documents. The parties confirmed receipt of each other's evidence. I find that the parties were served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

At the start of the hearing, the issue of jurisdiction was brought up. The tenant agreed that from the start of tenancy in May 2018, the tenant shared facilities with the owner of the home and this tenancy did not fall under the jurisdiction of the *Residential Tenancy Act*.

The tenant stated that since April 01, 2020, the living arrangements have changed, and the parties do not share facilities. Both parties agreed that this change was brought about by the Pandemic. The landlord stated that the change was temporary and based on the advice obtained on the COVID19 hot line, in June 2020, the living arrangements returned to the original shared living arrangements,

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

During this hearing, the parties reached an agreement to settle their dispute. Both parties agreed to the following terms:

1. The tenant agreed to move out by 1:00p.m. on October 15, 2020.
2. The landlord agreed to allow the tenancy to continue until 1:00p.m. on October 15, 2020.
3. Both parties stated that they understood and agreed that these particulars comprise the full and final settlement of all aspects of this dispute for both parties.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the tenant's request to recover the filing fee paid for this application

Conclusion

The tenancy will end on October 15, 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: August 10, 2020

Residential Tenancy Branch