



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing was scheduled to deal with a landlord's application for an order to end the tenancy early and obtain an Order of Possession under section 56 of the Act. Both parties appeared or were represented at the hearing and had the opportunity to make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

I confirmed the tenants were duly served with the landlord's proceeding package, including evidence on a USB stick.

Shortly after the hearing commenced, the tenant indicated the parties had reached an agreement with respect to ending the tenancy. The landlord confirmed that a conditional agreement was reached. I proceeded to explore the terms of mutual agreement with the parties. The parties reached an agreement during the hearing and I have recorded their agreement by way of this decision and the orders that accompany it.

It should be noted that the parties had to be cautioned to refrain from interrupting, making inappropriate and irrelevant remarks. The male tenant in particular had to be cautioned several times to stop interrupting and trying to speak over me. At one point, I instructed the male tenant to walk away from the telephone and I would speak with the female tenant. The male tenant returned to the telephone near the end of the hearing to confirm his agreement with the terms of the mutual agreement and instructions as to how to receive the decision.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

During the hearing, the parties agreed to the following terms in resolution of this matter:

1. The tenancy shall end on August 31, 2020 and the landlord shall be provided an Order of Possession reflecting that date.
2. For the remainder of the tenancy, the tenants shall not smoke anywhere on the residential property.
3. The tenants owe the landlord \$2200.00 in rent for the months of July 2020 and August 2020 and will pay this amount to the landlord by August 31, 2020. The landlord shall be provided a Monetary Order in the amount of \$2200.00 to serve upon the tenants and may enforce any unpaid balance.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlord with an Order of Possession effective at 1:00 p.m. on August 31, 2020. I also provide the landlord with a Monetary Order in the amount of \$2200.00 to serve and enforce upon the tenants.

Conclusion

The parties resolved this matter by way of a mutual agreement that I have recorded in this decision. In recognition of the mutual agreement, I provide the landlord with an Order of Possession effective at 1:00 p.m. on August 31, 2020. I also provide the landlord with a Monetary Order in the amount of \$2200.00 to serve and enforce upon the tenants.

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 13, 2020

Residential Tenancy Branch