



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, LRE, MNDCT, CNC, LAT, OLC, AS, CNL, FFT

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the *Act*), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- an order for the landlord to allow the tenant or his guests to access the rental unit, pursuant to sections 30 and 70 of the *Act*;
- an order to restrict or suspend the landlord's right of entry, pursuant to section 70 of the *Act*;
- a monetary order for compensation for damage or loss under the *Act*, Residential Tenancy Regulation and/or tenancy agreement, pursuant to section 67 of the *Act*;
- cancellation of the One Month Notice to End Tenancy for Cause, pursuant to section 47 of the *Act*;
- an order of authorization to change the lock, pursuant to sections 31 and 70 of the *Act*;
- an order for the landlord to comply with the *Act*, the Residential Tenancy Regulation and/or tenancy agreement, pursuant to section 62 of the *Act*;
- an order for the landlord to allow an assignment or sublet when permission was unreasonably denied, pursuant to section 65 of the *Act*;
- cancellation of the Two Month Notice to End Tenancy for Landlord's use, issued pursuant to section 49 of the *Act*; and
- an authorization to recover the filing fee for this application, pursuant to section 72 of the *Act*.

Both parties attended the hearing. The landlord was assisted by counsel MM. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Settlement

Pursuant to section 63 of the Act, an 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 listed in this application for dispute resolution:

1. The tenant agrees to provide the landlord with vacant possession of the subject rental property by 1:00 P.M. on October 31, 2020.
2. The rent payment due on October 01, 2020 will not be paid as compensation for ending the tenancy.
3. The landlord will be able to use the rental unit as she wishes after the tenancy ends, and no further compensation will be owed to the tenant for the end of the tenancy.
4. The landlord will only enter the rental unit after a 24-hour written notice posted on the rental unit's door, in accordance with the Act.
5. The tenant will not smoke in the rental unit or the balcony until the end of the tenancy.
6. Both parties are at liberty to apply for any monetary issues non related to compensation for the end of the tenancy.

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 with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the landlord, which is to take effect by 1:00 P.M. on October 31, 2020. The landlord is provided with this order in the above terms and must serve it on the tenant as soon as possible in accordance with the Act. If the tenant fails to comply with this Order, this order may be filed and enforced as an order of the Supreme Court of British Columbia.

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 25, 2020

Residential Tenancy Branch