



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 convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An early end to the tenancy and an order of possession - Section 56; and
2. An Order to recover the filing fee for this application - Section 72.

The Parties were each given full opportunity under oath to be heard, to present evidence and to make submissions. During the hearing the Parties entered into a mutual agreement to settle the Landlord’s claim for an order of possession. Tenant GM confirmed its email address as provided in the Landlord’s application. Tenant EI notes that its email address as provided in the Landlord’s application is not correct and this Tenant provided a corrected email address.

Agreed Facts

The tenancy under written agreement with three Tenants (Tenants GM, EI and CS) started on January 22, 2020. Rent of \$1,487.70 is payable on the first day of each month. The Landlord is holding a security deposit of \$725.00 and a pet deposit of \$300.00. Tenants EI and CS gave notice to end the tenancy and moved out of the unit on August 23, 2020. Tenant GM disputed a notice to end tenancy for cause and a hearing has been scheduled for September 17, 2020.

Settlement Agreement

The Parties mutually agree as follows:

1. **The tenancy will end at 1:00 p.m. on September 30, 2020 and Tenant GM will move out of the unit on that date and time; and**
2. **These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Section 63(2) of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order. Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above. In order to give effect to the mutual agreement I grant the Landlord an order of possession effective 1:00 p.m. on September 30, 2020. As the matter has been settled on a different basis than as claimed, I dismiss the Landlord's claim for recovery of the filing fee.

Conclusion

The Parties have settled the dispute.

I grant the Landlord an **Order of Possession** effective 1:00 p.m. on September 30, 2020. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: September 08, 2020

Residential Tenancy Branch