



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPM**

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for An Order of Possession for a Mutual Agreement to End Tenancy pursuant to section 55.

The landlord attended the hearing and the tenant was represented at the hearing by his agent/mother, RF, who called in approximately five minutes after the hearing commenced. The agent confirmed she had the authority to settle the issues before me for this dispute resolution.

Prior to the tenant's agent calling in, the landlord testified she served the tenant with the Application for Dispute Resolution by registered mail on August 28, 2020. In evidence, the landlord provided the tracking number for the mailing. The tenant's agent did not dispute receipt of the landlord's Application for Dispute Resolution. In accordance with sections 89 and 90 of the Act, I find the Application for Dispute Resolution was served on September 2, 2020, five days after being sent by registered mail.

Settlement Reached

Pursuant to section 63 of the *Act*, the 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, 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 currently under dispute at this time:

1. There will be a mutual agreement to end this tenancy. This tenancy will end at 1:00 p.m. on October 15, 2020 by which time the tenant and any other occupant will have vacated the rental unit.
2. The rights and obligations of the parties under the *Act* continue until the tenancy ends in accordance with this agreement.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue an Order of Possession to the landlord. The landlord is to serve this Order of Possession upon the tenant immediately and enforce it as early as 1:00 p.m. on October 15, 2020, should the landlord be required to do so.

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: September 21, 2020

Residential Tenancy Branch