



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FFL

Introduction

This hearing was convened as a result of the landlords' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act). The landlords applied to end the tenancy earlier for health or safety reasons and obtain an order of possession pursuant to section 56 of the Act. The landlords are also seeking to recover the cost of the filing fee.

The landlords, an agent for the landlords, PR (agent) and the tenants attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing and make submissions to me.

Neither party raised any concerns regarding the service of documentary evidence. I find the parties were sufficiently served as a result under the Act. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

Firstly, the surname of the male tenant RR and the female tenant PS were corrected at the outset of the hearing and the original names were left as an AKA (also known as) name for both tenants. Secondly, the parties confirmed their email addresses at the outset of the hearing. In addition, the parties confirmed their understanding that the decision would be emailed to both parties. The order of possession will be emailed to the landlords only for service on the tenants.

Issues to be Decided

- Should the tenancy end based on the landlords' application for an early end to the tenancy under section 56 of the Act?

- Are the landlords entitled to the recovery of the cost of the filing fee under the Act?

Settlement Agreement

During the hearing, the parties agreed to settle these matters on the following conditions:

1. The parties agree that the tenancy will end on **October 25, 2020 at 1:00 p.m.**
2. The landlords are granted an order of possession effective **October 25, 2020 at 1:00 p.m.**, which must be served on the tenants.
3. The landlords withdraw their application in full as part of this mutually settled agreement.

This settlement agreement was reached in accordance with section 63 of the Act. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the binding nature of this full and final settlement of these matters.

I do not grant the filing fee as this matter was resolved by way of a mutual agreement during the hearing.

Conclusion

I ORDER the parties to comply with the terms of their settled agreement, pursuant to section 63 of the Act.

The tenancy will end on October 25, 2020 at 1:00 p.m. The landlords have been granted an order of possession effective October 25, 2020 at 1:00 p.m. Should the landlords require enforcement of this order, it must be first served on the tenants by the landlords and may be filed in the Supreme Court and enforced as an order of that court.

The parties confirmed their understanding that while they voluntarily formed this mutual agreement that the agreement is final and binding under the Act.

This decision will be emailed to both parties. The order of possession will be emailed to the landlords for service on the tenants.

As noted above, the filing fee is not granted.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: October 5, 2020

Residential Tenancy Branch