



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **ET, FFL**

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order for an early termination of tenancy and an Order of Possession for an immediate and severe risk pursuant to section 56; and
- Authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Both landlords attended the hearing and were represented by their agent, YG ("landlord"). The tenant attended the hearing on his own behalf. As both parties were present, service of documents was confirmed. The tenant acknowledged service of the landlord's Application for Dispute Resolution and advised he did not have any issues with timely service of documents.

The tenant testified he has poor internet access and data issues with his phone preventing him from uploading evidence and because of this, no evidence was provided by the tenant. I advised the tenant that Rule 10 of the Residential Tenancy Branch Rules of Procedure prevents me from allowing him from submitting evidence after the commencement of the hearing. Likewise, I advised the landlord that any evidence uploaded by the landlord after serving the Application for Dispute Resolution would not be considered because it wasn't uploaded and exchanged in accordance with Rule 10.

Settlement Reached

At the commencement of the hearing, the tenant advised that he was going to vacate the rental unit at the end of the month. The landlord was agreeable to the tenancy ending at the end of October, 2020.

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.

1. The parties agree to a mutual agreement to end the tenancy. This tenancy will end at 1:00 p.m. on October 31, 2020 by which time the tenant and any other occupant on the premises under the tenancy agreement will have vacated the rental unit.
2. The rights and obligations of the parties under the *Act* continue until the tenancy ends.

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.

The decision to order payment of the filing fee is discretionary upon the arbitrator and in accordance with section 72 of the *Act*, the filing fee will not be recovered.

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 31, 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: October 19, 2020

Residential Tenancy Branch