



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 scheduled to deal with a landlord's application for an order to end the tenancy early and obtain an Order of Possession under section 56 of the Act.

Both parties appeared or were represented at the hearing and had the opportunity to make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

Shortly after the hearing commenced, the tenant stated she is moving out of the rental unit in a few days. The parties reached an agreement to the end of the tenancy that I have recorded by way of this decision and the Order of Possession that accompanies it.

The style of cause was amended to reflect the correct spelling of the tenant's first name, as provided by the tenant during the hearing and as reflected on the tenancy agreement.

The tenant brought to my attention that she had also filed an Application for Dispute Resolution that is set for hearing on April 12, 2021 (file number provided on the cover page of this decision). The tenant requested withdrawal of that Application for Dispute Resolution and cancellation of the hearing. The landlord had no objection to the tenant's request. Accordingly, I have closed the tenant's file and cancelled the hearing that had been set for April 12, 2021.

Issue(s) to be Decided

What are the terms of mutual agreement between the parties?

Background and Evidence

The parties mutually agreed upon the following term(s) during the hearing:

1. The tenancy shall end and the tenant shall return vacant possession of the rental unit to the landlord by 4:00 p.m. on January 31, 2021. The landlord shall be provided an Order of Possession reflecting that date and time.
2. The landlord requested and the tenant agreed that the dog belonging to the tenant or another occupant of the rental unit will not be in the rental unit during the move-out inspection.

The tenant raised an issue with respect to the heat not working in the rental unit. During the hearing, the landlord told the tenant how to reset the heating system. The tenant stated she shall try resetting the heating system according to the landlord's instructions. I informed the parties that if the heat does not resume it is expected that the tenant will notify the landlord and upon notification the landlord will respond to her request for heat so that the tenant has heat during the remainder of the tenancy.

The parties were informed that it is the landlord's obligation to schedule a date and time for the move-out inspection.

The landlord requested that the number of people participating in the move-out inspection be limited, citing safety concerns. The tenant stated that her daughter will be attending the move-out inspection with her. While the Act does not provide for such limitations on the number of people who may participate in an inspection, I encouraged the parties to follow Provincial Health Orders including mask wearing.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlord with an Order of Possession effective at 4:00 p.m. on January 31, 2021.

I make no award for recovery of the filing fee.

Conclusion

The parties reached a mutual agreement during the hearing that I have recorded in this decision. Included in that agreement is that the tenancy shall end at 4:00 p.m. on January 31, 2021 by mutual agreement and the landlord is provided an Order of Possession reflecting this.

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: January 28, 2021

Residential Tenancy Branch