



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

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

- an early end to this tenancy and an order of possession pursuant to section 56.

Both parties attended the hearing via conference call and provided affirmed testimony. Both parties confirmed the landlord served the tenants with the notice of hearing package and most of the submitted documentary evidence in person on January 26, 2021. The landlord clarified that the additional evidence submission was a floor plan which was submitted to the Residential Tenancy Branch in error and is not required for the hearing. On this basis, the tenants are deemed served with the landlord's notice of hearing package and the submitted documented evidence, except for the error submission of the landlord's floor plan. Both parties also confirmed the tenants served the landlord with their submitted documentary evidence in person on February 2, 2021. The landlord clarified that the package was received and that there were no issues in responding to the tenant's evidence. As such, the landlord is deemed sufficiently served with the tenant's documentary evidence.

Extensive discussions with both parties resulted in a mutual agreement.

Section 63 of the Residential Tenancy Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the two parties during the hearing led to a resolution. Specifically, it was agreed as follows:

Both parties agreed to mutually end the tenancy on February 15, 2021 at 1pm, by which time the tenants will have vacated the rental unit.

The landlord agreed to withdraw the application for an early end to the tenancy and obtain an order of possession.

The tenants agreed to cancel their application for dispute filed (file number noted on the cover sheet of this decision) set for March 19, 2021.

The landlord agreed to pay to the tenants \$500.00 which both parties agreed constituted a final and binding resolution of all monetary issues under dispute in both of their applications for dispute resolution. Both parties confirmed that a \$300.00 cheque was already given to the tenants and that landlord would provide a second cheque for \$200.00 on February 15, 2021 when the tenants have vacated the rental unit in satisfaction of this agreement.

Both parties agreed that the above noted particulars comprised a full and final settlement of all aspects of the dispute arising from their applications for dispute resolution.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

In order to implement the above settlement reached between the parties, I issue an Order of Possession to be used by the landlord if the tenants fail to vacate the rental premises in accordance with their agreement by 1:00 pm on February 15, 2021. The landlord is provided with this order in the above terms and the tenant(s) must be served with this Order in the event that the tenants do not vacate the premises by the time and date set out in their agreement. Should the tenants fail to comply with this Order, the Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

In order to implement the above settlement reached between the parties, I issue a monetary order in the tenants favour in the amount of \$200.00. I deliver this Order to the landlord in support of the above agreement for use in the event that the landlord does not abide by the terms of the above settlement. The tenants are provided with this Order in the above terms and the landlord must be served with a copy of this Order as soon as possible after a failure to comply with the terms of the above settlement agreement. Should the tenant(s) fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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 *Residential Tenancy Act*.

Dated: February 05, 2021

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Residential Tenancy Branch