



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

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, as provided under section 56 of the Act.

Both parties appeared or were assisted 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.

I confirmed the tenant received the landlord's proceeding package and evidence that was posted to her door on March 5, 2021. The tenant confirmed that she read the documents but that she did not access the digital device (USB stick) provided by the landlord. Since the landlord had not confirmed with the tenant that she could access, view or hear the content on the digital device, as required for digital evidence under the Rules of Procedure, the digital evidence (namely video and audio recordings) were inadmissible; however, the landlord was given the opportunity to describe the evidence during the hearing so that the tenant may respond to it.

During the hearing both parties indicated they sought an end to this tenancy and I was able to facilitate a mutual agreement to end the tenancy with the parties. I have recorded the parties' mutual agreement by way of this decision and the Order of Possession that accompanies it.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

During the hearing, the parties mutually agreed upon the following terms in resolution of this matter:

1. The tenancy shall end and the tenant shall return vacant possession of the rental unit to the landlord in an undamaged and reasonably clean condition no later than March 31, 2021.
2. The parties shall inspect the rental unit once the tenant has vacated the rental unit and the landlord agrees to refund the security deposit and pet damage deposit to the tenant upon conclusion of the inspection if the rental unit is in undamaged and reasonably clean condition.
3. For the remainder of the tenancy, the tenant is not disturb, threaten or otherwise harass the other tenants occupying the residential property, which includes dumping of garbage on the residential property.

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 terms an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlord with an Order of Possession effective on March 31, 2021.

Conclusion

The parties reached a mutual agreement during the hearing in resolution of this matter. I have recorded the terms of the mutual agreement by way of this decision and the Order of Possession that accompanies it. In recognition of the mutual agreement, the landlord is provided an Order of Possession with an effective date of March 31, 2021.

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: March 16, 2021

Residential Tenancy Branch