



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

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

- an order of possession for landlord's use of property pursuant to section 55.

The landlord attended the hearing via conference call and provided undisputed affirmed testimony. The landlord provided affirmed testimony that the tenant was served with the notice of hearing package via Canada Post Registered Mail on January 13, 2021 and has submitted a copy of the Canada Post Receipt and Tracking label as confirmation.

Extensive discussions took place with the landlord in which the landlord requested the aid of his daughter as a translator who was going to become a witness for the hearing.

At 10:48 am, the tenant called into the hearing via conference call. The tenant stated that he was misinformed that the Residential Tenancy Branch would initiate a call to have the tenant participate in the hearing. The tenant stated that he had just finished reading the hearing package which he received from the landlord and called in.

The tenant stated that he understood what the issues are and he was trying to find a new place to rent without success.

At this point discussions took place between the two parties in an attempt to resolve the dispute.

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 May 31, 2021, at 1:00 pm by which time the tenant will have vacated the rental unit.

The landlord agreed to Cancel the 2 Month Notice to End Tenancy for Landlord's Use.

The landlord agreed to cancel the application for dispute.

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 tenant fails to vacate the rental premises in accordance with their agreement by 1:00 pm on May 31, 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.

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: April 09, 2021

Residential Tenancy Branch