



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 early termination of a tenancy pursuant to section 56 because the tenant or a person permitted on the property by the tenant poses an immediate and severe risk to the rental property, other occupants or the landlord; and because it would be unreasonable to wait for a notice to end tenancy issued pursuant to section 47 of the Act; and
- Authorization to recover the filing fee for this application from the opposing party pursuant to section 72.

Both of the tenants attended the hearing. The landlord attended the hearing accompanied by her nephew, KG who also provided translating services to the landlord. The tenants acknowledged being served with the landlord's Application for Dispute Resolution and had no issues with timely service of documents.

Preliminary Issues

The landlord's application lists the tenants' address and the landlord's address as one in the same. The landlord testified that the tenants occupy the main unit and the landlord occupies the upper unit of a house with an upper and main unit. Pursuant to section 64(3), the landlord's application is amended to reflect the rental unit as being the main unit of the shared address.

The parties advised me during the hearing that another Application for Dispute Resolution was filed by the tenants seeking:

- To cancel a landlord's notice to end tenancy for unpaid rent,
- repairs to the rental unit,
- limiting the landlord's right to enter the rental unit,

- allow access to the rental unit, and
- authorization to change locks and to assign or sublet the rental unit.

This hearing was set for June 11, 2021 and the file number for the other dispute is recorded on the cover page of this decision.

Settlement Reached

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. I advised the parties that there is no obligation to resolve the dispute through settlement and that if either party did not wish to resolve this matter through settlement, I was prepared to make a decision based on the evidence before me. During the hearing the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The parties mutually agree to end the tenancy. This tenancy will end at 1:00 p.m. on May 20, 2021 by which time the tenants and any other occupants 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 landlord's application seeking to recover the filing fee is dismissed as the landlord's filing fee was waived.

I order that the dispute resolution hearing currently set for June 11, 2021 at 9:30 a.m. be cancelled. The parties are not required to attend this hearing as the tenancy will have ended before the hearing date.

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 May 20, 2021, 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: April 30, 2021

Residential Tenancy Branch