



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **ET**

Introduction

The hearing was convened as a result of the Landlord's application for an early termination of the tenancy and Order of Possession pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord and Tenant attended the participatory hearing. The parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The Landlord testified that the Notice of Dispute Proceeding Hearing and the Landlord's evidence ("NOH Package") had been served on the Tenant in-person on October 7, 2021. The Landlord submitted a signed Proof of Service on Form RTB- 9 to corroborate service on the Tenant. The Tenant confirmed he received the NOH Package in-person on that date. I find that the NOH Package was served on the Landlord in accordance with sections 88 and 89 of the Act.

The Tenant confirmed that he had not served any evidence on the Landlord.

Settlement:

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. 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 settlement of all issues currently under dispute at this time on the following terms:

1. the Landlord agrees to withdraw her application for dispute resolution.

2. the tenancy will end at 1:00 p.m. on October 21, 2021 by which time the Tenant and any other occupant will have vacated the rental unit; and
3. The Landlord will be provided with an Order of Possession for that date.

Both parties testified that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that the above terms are legal, final, binding and enforceable, and settle all aspects of this dispute.

Conclusion:

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached Order of Possession to be served on the above-noted Tenant ONLY if the Tenant fails to vacate the rental unit pursuant to the terms of the settlement. This Order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order 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: October 14, 2021

Residential Tenancy Branch