



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 end to this tenancy and an order of possession pursuant to section 56;
- authorization to recover their filing fee for this application from the tenant pursuant to section 72.

The landlord, H.S. and the tenant, C.M.P. attended the hearing via conference call and provided affirmed testimony. The landlord, J.S. and the tenant, K.D.A. did not attend.

Both parties were advised that the conference call hearing was scheduled for 60 minutes and pursuant to the Rules of Procedure, Rule 6.11 Recordings Prohibited that recording of this call is prohibited.

Both parties confirmed the landlords served the notice of hearing package to the tenants by posting it to the rental unit door on September 16, 2021.

At the outset, the tenant stated that they had already vacated the rental unit prior to the scheduled dispute resolution hearing. The landlord argued that no notice was given and that the tenants belongings were still in the rental unit. The tenant stated that they had vacated at least two weeks prior.

Discussions took place in that the tenant confirmed that she no longer resides at the rental unit and the landlord wanted the tenancy to end. The landlord stated that the tenants have not yet returned the keys to the rental unit. The tenant confirmed that she has not returned the keys as they do not want any further contact with the landlords. A

suggestion was made to the tenants to mail the keys to the landlords via Canada Post Registered Mail to avoid any further direct contact.

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 the landlords receiving an order of possession of the rental unit for immediate possession.

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 forthwith. 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: October 05, 2021

Residential Tenancy Branch