



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Prospero International Inc. and [tenant  
name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, FFT, OPC

### Introduction

This hearing was convened in response to an application by the Tenants and an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”).

The Tenants applied on August 9, 2021 for:

1. An Order cancelling a notice to end tenancy - Section 47; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord applied on August 13, 2021 for an order of possession - Section 55.

The Parties were each given full opportunity under oath to be heard, to present evidence and to make submissions. At the onset of the hearing, both Parties informed the Arbitrator that they had settled the matter prior to the hearing and requested that the settlement agreement be recorded with an order of possession granted to the Landlord according to the settlement terms. The Parties provided agreed facts and confirmed the terms of the settlement agreement as set out below.

### Agreed Facts

The tenancy started in 2004. Rent of \$850.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$312.50 as a security deposit. On July 28, 2021 the Landlord served the Tenants with a one month notice to end tenancy for cause (the “Notice”). The Notice sets out an effective date of August 31, 2021 with stated reasons and details for those reasons.

### Settlement Agreement

**The Parties mutually agree as follows:**

- 1. The Notice is withdrawn;**
- 2. The tenancy will end no later than 1:00 p.m. on March 31, 2022; and**
- 3. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Section 63 of the Act provides as follows:

- (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order.

Given the settlement agreement confirmed by the Parties, I find that the Parties have settled their dispute as recorded above. To give effect to the agreement I cancel the Notice and I grant the Landlord an order of possession.

### Conclusion

The Parties have settled the dispute.

**I grant** an Order of Possession to the Landlord effective at 1:00 p.m. on March 31, 2021. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order 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 Act.

Dated: December 14, 2021

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Residential Tenancy Branch