



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 an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- An order for an early end of a tenancy and an order of possession pursuant to section 56.

Both parties attended and had opportunity to provide affirmed testimony, present evidence and make submissions. The hearing process was explained. No issues of service were raised. I find the landlord served the tenant as required under the *Act*.

Recording

The parties were cautioned that recordings of the hearing were not permitted pursuant to Rule 6.11 of the *Residential Tenancy Branch Rules*. Both parties confirmed their understanding of the requirement and further confirmed they were not making recordings of the hearing.

Delivery of Decision

Each party confirmed their email address to which a copy of the Decision will be sent.

Settlement

Before the conclusion of this 45-minute hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a Decision:

The parties agreed as follows:

1. The tenancy between the parties will end at 1:00 PM on December 31, 2021 by which time the tenant and any other occupants will return vacant possession of the rental unit to the landlord.
2. The parties agreed the unit became uninhabitable from flooding on November 15, 2021.
3. The landlord agreed to return \$2,650.00 to the tenant to be received by her no later than 5:00 PM on Monday, December 20, 2021 being comprised of the following:
 - a) \$875.00 being half the rent paid for November 2021, and
 - b) \$1,750.00 being rent paid for the month of December 2021
3. A Monetary Order in the amount of \$2,650.00 shall issue to the tenant for the return of \$2,650.00 .
4. The landlord shall provide the tenant with access to the unit by 9:00 AM on Monday, December 20, 2021 for the purpose of removal of the tenant's belongings.
5. The parties shall conduct a condition inspection at 1:00 PM on December 31, 2021

and the return of the deposits shall be dealt with at that time.

In support of this settlement and with the agreement of both parties, I grant the landlord the following:

1. Order of Possession effective 1:00 PM on December 31, 2021; *and*
2. Monetary Order in the amount of \$2,650.00 .

The Order(s) must be read in conjunction with the above settlement agreement and **the landlord must not seek to enforce the Order of Possession** on the tenant unless the tenant fails to meet the conditions of this agreement.

Should either party violate the terms of this agreement, the tenancy agreement, or the *Act*, it is open to the other party to take steps under the *Act* for an appropriate remedy. Should the parties fail to comply with these Orders, the Orders may be filed and enforced as an Order of the Courts of British Columbia.

This settlement agreement was reached in accordance with section 63 of the *Act*. Each party stated they understood and agreed to the terms of this settlement. The settlement was fully discussed by the parties in the hearing. The parties testified they understood and agreed the above terms are final, binding, and enforceable, and settle all aspects of this application.

The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the *Act*.

Based on the above, I find that all matters between these parties raised in this application are resolved pursuant to the above agreed terms.

Conclusion

The Application for Dispute Resolution for settled on the above terms of settlement.

Pursuant to the above settlement, I issue the following Orders:

1. Order of Possession effective 1:00 PM on December 31, 2021; *and*
2. Monetary Order in the amount of \$2,650.00 .

These Orders must be served. The Orders may be enforced in the Courts of the Province of BC.

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: December 17, 2021

Residential Tenancy Branch