



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes PFR

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The landlord applied for an order of possession for the rental unit in order to perform renovations or repair that require the rental unit to be vacant, pursuant to section 49.2 of the Act.

Landlord TI (the landlord) and tenant DR (the tenant) attended the hearing. The tenant was assisted by advocate NB. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing the attending parties affirmed they understand it is prohibited to record this hearing.

Per section 95(3) of the Act, the parties may be fined up to \$5,000.00 if they record this hearing: "A person who contravenes or fails to comply with a decision or an order made by the director commits an offence and is liable on conviction to a fine of not more than \$5 000."

Preliminary Issue – Vacant Rental Unit

The landlord submitted this application against tenants DR (unit X) and CM (unit Y). The landlord affirmed tenant CM moved out of unit Y on December 31, 2021 and the landlord has possession of that unit. The unit numbers are recorded on the cover page of this decision.

The application for an order of possession for unit Y is moot since the tenancy of unit Y has ended and the landlord has possession of that unit.

Settlement

Pursuant to section 63 of the Act, an 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, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of the issue listed in this application for dispute resolution:

1. The tenant agrees to give vacant possession of rental unit X to the landlord by May 31, 2022 at 1:00 P.M. in order for the landlord to renovate the rental unit;
2. The tenant will not pay rent due on May 01, 2022, per section 51.4(1) of the Act;
3. After the landlord completes the renovation, he will offer tenant DR the right of first refusal for a new tenancy agreement, per section 51.2(1) of the Act.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the landlord, which is to take effect by 1:00 P.M. on May 31, 2022. The landlord is provided with this order in the above terms and must serve it on the tenant in accordance with the Act. If the tenant fails to comply with this Order, this 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: January 12, 2022

Residential Tenancy Branch