



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      **ET**

### Introduction

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

The Landlord, the Landlord's advocate and the Tenant attended the hearing. They were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The Landlord stated the Notice of Dispute Resolution Proceeding and its evidence ("NDRP Package") was served on the Tenant in-person on February 9, 2022. The Landlord submitted a Proof of Service on Form RTB-9 to corroborate her testimony on service of the NDRP Package on the Tenant. The Tenant acknowledged receipt of the NDRP Package. I find that the NDRP Package was served on the Tenant pursuant to sections 88 and 89 of the Act.

The Tenant stated he did not serve any evidence on the Landlord.

### Settlement Agreement

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.

The parties agreed to the following final and binding settlement of all issues currently under dispute:

1. The Landlord agrees to withdraw her application;

2. The Tenant must vacate the rental unit not later than 1:00 pm on February 25, 2022; and
3. This settlement is without prejudice to either party to make any claim or claims against the other for damages or compensation arising from a breach of the tenancy agreement or the Act or for the return or retention of any security and/or pet damage deposit paid by the Tenant so long as such claims are made within the time limits permitted by the Act.

These particulars comprise the full and final settlement of all aspects of the Landlord's dispute against the Tenant. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of claims made in the Landlord's application.

### Conclusion

As the parties have reached a full and final settlement of the claims set out in the Landlord's application, I make no factual findings about the merits of her application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, the Landlord is granted an Order of Possession effective at 1:00 pm on February 25, 2022. The Landlord is provided with this Order in the above terms and the Tenant must be served with this Order as soon as possible. Should the Tenant fail to comply with this Order, this 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 *Residential Tenancy Act*.

Dated: February 22, 2022

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Residential Tenancy Branch