



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- an order of possession for cause pursuant to section 55;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The tenant called into the hearing at 11:08 a.m. with her social worker. The social worker assisted the tenant at the hearing.

The tenant confirmed receipt of the landlord's application for dispute resolution hearing package delivered in person on February 8, 2022, and the landlord confirmed receipt of the tenant's evidence. In accordance with sections 88, 89, and 90 of the Act, I find that the tenant was duly served with the landlord's application and evidence and the landlord was duly served with the tenant's evidence.

At the outset, I advised the parties of rule 6.11 of the rules of Procedure (the "**Rules**") prohibits participants from recording the hearing. The parties confirmed that they were not recording the hearing.

I explained the hearing and settlement processes to both parties. Both parties had an opportunity to ask questions. Neither party made any adjournment or accommodation requests. Both parties confirmed that they were ready to proceed with this hearing, they wanted to settle this application, and they did not want me to decide.

I was not required to consider the landlord's or the tenant's evidence at this hearing or in my decision, as both parties voluntarily settled this application.

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 all issues currently under dispute:

1. Both parties agree that this tenancy will end by 1:00 p.m. on March 27, 2022, by which time the tenant and any other occupants will have vacated the rental unit.
2. Over the next several weeks, the tenant will hire, at her own expense, a company specializing in bio-hazard cleanup to assist her in removing and disposing of unsalvageable items according to provincial regulations.
3. All personal items will be removed from the rental unit on or before 1:00 p.m. on March 27, 2022.
4. The tenant and landlord agreed that this settlement constitutes a final and binding resolution to the dispute.

These particulars comprise the full and final settlement of all aspects of this dispute. 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 this dispute between them.

This comprises the full and final settlement of all aspects of this dispute and all future disputes relating to this tenancy between the parties. 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 this and all future disputes relating to the tenancy between them.

The tenant was given ample time to discuss and review the terms of this settlement with the social worker during this hearing.

The terms and consequences of the above settlement were reviewed in detail, with both parties during this 86-minute hearing. Both parties had the opportunity to ask questions and to negotiate and discuss the settlement terms in detail. Both parties affirmed under oath that they fully understood the above settlement terms and were agreeable to them.

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 at the hearing, I issue the attached order of possession which orders that the tenant provide vacant possession of the rental unit to the landlord by 1:00 pm on March 27, 2022

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

Residential Tenancy Branch