



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mole Hill Community Housing
Society and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **ET, FFL**

Introduction

This expedited hearing dealt with an application filed by the landlord pursuant the *Residential Tenancy Act* (the “Act”) for:

- An early end to tenancy because the tenant poses an immediate and severe risk to the rental property, other occupants or the landlord, pursuant to section 56 and
- Authorization to recover the filing fee from the other party pursuant to section 72.

The landlord was represented at the hearing by an executive director, QW and the tenant attended the hearing accompanied by DL who assisted him. The tenant acknowledged service of the landlord’s application for dispute resolution.

Preliminary Issue

The landlord submitted evidence that was not included at the time of filing the application for an expedited hearing. I advised the landlord that I could only refer to the evidence that was filed at the time of filing the application for an expedited hearing in accordance with rules 10.2 and 10.3 of the Residential Tenancy Branch Rules of Procedure. The landlord acknowledged he understood.

Background and Evidence

At the commencement of the hearing, the tenant testified that he is currently at a psychiatric ward at the hospital and that he has been certified by the mental health team. He does not know if or when he would be able to return to the rental unit.

Settlement Reached

Pursuant to section 63 of the *Act*, the 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, 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 at this time:

- The parties mutually agree to end the tenancy. This tenancy will end at 1:00 p.m. on March 31, 2022 by which time the tenant and any other occupant will have vacated the rental unit.
- The tenant's mental health team will work with the landlord to arrange a time and day for the team to retrieve the tenant's personal belongings in the next 10 days.

Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute. As the parties resolved matters by agreement, I make no findings of fact or law with respect to the application before me.

The decision to order payment of the filing fee is discretionary upon the arbitrator and in accordance with section 72 of the Act, the filing fee will not be recovered.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue an Order of Possession to the landlord. The landlord is to serve this Order of Possession upon the tenant immediately and enforce it as early as 1:00 p.m. on March 31, 2022 should the landlord be required to do so.

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: March 21, 2022

Residential Tenancy Branch