



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPU-DR

Introduction

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) as follows:

- The Landlord applies for an Order of Possession - Section 55.
- The Tenant applies for a cancellation of a notice to end tenancy for unpaid rent - Section 46.

Both Parties attended the conference call hearing and confirmed receipt of each other's evidence. The Parties confirmed that no recording devices were being used for the hearing. During the hearing the Parties reached a settlement agreement. The Parties conducted a final review for accuracy of the terms of the mutual agreement reached by Parties during the hearing. The Parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that they understood the nature of the full and final settlement of these matters.

Agreed Facts

The tenancy under written agreement started on February 1, 2021. Rent of \$1,800.00, to include all utilities, is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$900.00 as a security deposit. In addition to a 10-day

notice for unpaid rent the Tenants were given a notice to end tenancy for Landlord's use and are moving out of the unit on Sunday April 10, 2022.

Settlement Agreement

The Parties mutually agree as follows:

- 1. The tenancy will end at 1:00 p.m. on April 10, 2022;**
- 2. The Tenants owe no rents to and including April 10, 2022; and**
- 3. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Section 63(2) of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order. Given the mutual agreement reached during the hearing, I find that the Parties have settled their dispute as recorded above. To give effect to this agreement I grant the Landlord an order of possession based on the mutual agreement.

Conclusion

The Parties have settled the dispute.

I grant an Order of Possession to the Landlord effective at 1:00 p.m. on April 10, 2022. The Tenants must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the 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 Act.

Dated: April 05, 2022

Residential Tenancy Branch