



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ISLANDERS WORKING AGAINST VIOLENCE (IWAV)
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the Landlord's application under the *Residential Tenancy Act* (the "Act") for an order for an early end to tenancy and an Order of Possession of the rental unit pursuant to section 56.

The Tenant, the Tenant's advocate CG, and Landlord's agents HP and SC attended this hearing. The parties were given a full opportunity to be heard, to present affirmed testimony, and to make submissions.

All attendees at the hearing were advised the Residential Tenancy Branch Rules of Procedure prohibit unauthorized recordings of dispute resolution hearings.

The parties did not raise any issues with respect to the service of documents. The Tenant confirmed receipt of the Landlord's notice of dispute resolution proceeding package and evidence. The Landlord's agents confirmed receipt of the Tenant's evidence.

Preliminary Matter – Jurisdiction

The Landlord's agent HP testified that the rental unit is part of transitional housing, but that the Landlord does not receive funding from the government.

Section 4(f) of the Act states that the Act does not apply to "living accommodation provided for emergency shelter or transitional housing". However, section 1(2) of the Residential Tenancy Regulation defines "transitional housing" for the purposes of section 4(f) of the Act to be "living accommodation that is provided (a) on a temporary basis, (b) by a person or organization that receives funding from a local government or the government of British Columbia or of Canada for the purpose of providing that

accommodation, and (c) together with programs intended to assist tenants to become better to live independently.

Based on HP's testimony, I find that the rental unit does not fall under "transitional housing" for the purposes of section 4(f) of the Act, because the Landlord does not receive government funding for the purpose of providing the rental unit. Accordingly, I am satisfied that I have jurisdiction to hear 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 the issue under dispute in this application:

1. The Tenant will vacate the rental unit by 1:00 pm on August 15, 2022.

The parties gave verbal affirmation at the hearing that they understood and agreed to the above settlement term as legal, final and binding, which settle the issue raised on this application only.

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 grant the Landlord an Order of Possession which orders that the Tenant provide vacant possession of the rental unit to the Landlord by 1:00 pm on August 15, 2022. This Order may be served upon the Tenant, filed with 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: June 28, 2022

Residential Tenancy Branch