



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction, Preliminary and Procedural Matters-

This matter convened by teleconference on June 30, 2022, to deal with the applicant's application for dispute resolution seeking remedy under the *Residential Tenancy Act (Act)*.

The applicant applied for an order ending the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under section 47 of the Act and recovery of the cost of the filing fee.

The applicant, the applicant's legal counsel (counsel), the respondent, the respondent's agent/advocate, and several applicant witnesses attended the original hearing on June 30, 2022, and due to insufficient time to conclude in the time allotted, the hearing was adjourned.

An Interim Decision was issued on July 2, 2022, in which the hearing was adjourned to a date and time set by the Residential Tenancy Branch (RTB). This Interim Decision is incorporated by reference and should be read in conjunction with this Decision.

At the reconvened hearing on July 15, 2022, counsel, the respondent, and the respondent's advocate were in attendance.

In my Interim Decision, I indicated to the parties that I am not satisfied that I have jurisdiction over this matter. The purpose of the reconvened hearing was to hear from the respondent to determine jurisdiction of the matter.

Prior to the reconvened hearing, I was informed that the parties had reached a settlement of the matter prior to the reconvened hearing. Counsel submitted to the

Residential Tenancy Branch (RTB) a letter outlining the settlement. The respondent confirmed that he agreed to vacate by 10 pm on July 15, 2022.

After hearing from the parties and reviewing the relevant evidence, I am not satisfied that I have jurisdiction over this matter. However, as a courtesy to the parties, I record their settled agreement.

Settlement

Prior to the hearing the parties reached a settlement of the issue in the applicant's application. Pursuant to section 63 of the Act, I record their agreement in this Decision. I make no findings of fact or law with respect to the merits of the applicant's application or whether this dispute fell under the jurisdiction of the *Residential Tenancy Act*.

1. The respondent agrees to vacate the property by or before 1:00 p.m. on July 15, 2022.
2. The applicant is granted an Order of Possession (Order) effective at 1:00 p.m. on July 15, 2022, which becomes enforceable should the respondent fail to vacate the property by the agreed upon date and time.

I decline to award the applicant recovery of the filing fee, as I did not consider the merits of the application.

This decision containing the recorded settlement 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: July 15, 2022

Residential Tenancy Branch