



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT

Introduction

This hearing was scheduled to deal with a tenant's application for an Order of Possession for the rental unit as an "expedited hearing".

The tenant and one of the landlords appeared for the hearing, along with an agent for the landlord. The parties were affirmed and the parties were ordered to not record the proceeding. Both parties had the opportunity to make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

At the outset of the hearing, I explored service of hearing materials upon each other. The parties were in dispute as to whether the tenant served the hearing package for this proceeding upon the landlords although the landlord acknowledged receipt of three different hearing packages for three other Applications for Dispute Resolution filed by the tenant. Both parties provided evidence to me to support their respective positions concerning service of the hearing package for this proceeding.

I also determined that the landlord's evidence had not been served to the tenant as the service address listed on the tenant's Applications for Dispute Resolution is that of the rental unit, which he no longer has possession of.

I explored reading documents into evidence and adjourning the proceeding to perfect service issues; however, in hearing from the parties, the parties indicated a willingness to resolve their disputes by way of a final settlement agreement.

I was able to facilitate a full and final settlement agreement between the parties during the hearing and I have recorded it by way of this decision and the Monetary Order that accompanies it.

Issue(s) to be Decided

What are the terms of settlement?

Background and Evidence

The parties mutually agreed to the following terms in full and final settlement of any and all claims the parties may have against each other with respect to their tenancy agreement for the subject rental unit:

1. The landlords shall pay to the tenant the sum of \$8000.00 in a timely manner and the tenant is provided a Monetary Order in this amount to serve and enforce upon the landlords, if necessary. The landlords undertake to provide the funds to their agent and the agent will in turn provide the funds to the tenant. The landlord's agent shall contact the tenant via text message and/or email to notify the tenant the funds are available for him (the tenant provided his phone number and email address as recorded on the cover page of this decision). If the tenant has enquiries as to the status of the funds the tenant shall communicate with the landlord's agent (the landlord's agent provided the tenant with his email address, as recorded on the cover page of this decision).
2. The tenant withdraws the two applications that are set for hearing on future dates (file numbers provided on the cover page of this decision) with the result that the hearings for those two applications are cancelled.

The landlord acknowledged that personal possessions belonging to the tenant are currently located on the side of the street near the rental unit, on city property. The tenant endeavours to come collect his personal possessions in a timely manner.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties.

In recognition of the settlement agreement, I provide the tenant with a Monetary Order in the sum of \$8000.00.

This dispute is now considered settled along with the two other Applications for Dispute Resolution set for hearing on future dates which I shall cancel in keeping with the settlement agreement.

Since the parties entered into a full and final settlement agreement, neither party may make any other Application for Dispute Resolution against the other with respect to the subject tenancy.

Conclusion

The parties reached a full and final settlement agreement during the hearing. In recognition of the settlement agreement, the tenant is provided a Monetary Order in the sum of \$8000.00.

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: September 16, 2022

Residential Tenancy Branch