



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **OPL, MNDCL-S, FFL**

Introduction

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act (“the Act”) for orders as follows:

- An order of possession pursuant to section 55 of the Act
- For a monetary order for damages pursuant to section 67 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

Both parties attended the hearing with the landlord SK and advocate SK appearing. The tenant PS appeared for herself.

The hearing was conducted by conference call. The parties were reminded to not record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The tenants confirmed receipt of the Two Month Notice to End Tenancy (“Two Month Notice”) dated September 30, 2022, and the dispute notice and materials filed by the landlord. Service complies with sections 88 and 89 of the Act.

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 all issues listed in this application for dispute resolution:

1. The tenants agree to provide the landlord with vacant possession of the subject rental property on April 30, 2023, at 1:00 P.M.
2. The tenant acknowledges that she has received October 2022 rent as one month's rent in compensation for the Two Month Notice and must pay rent up until the end of the tenancy on April 30, 2023.
3. The landlord is entitled to retail \$50.00 from the tenant's security deposit in satisfaction of expenses incurred by the landlord.

As the parties have reached a settlement, I make no factual findings about the merits of this application, and I have only addressed the issues brought forward in the application before me.

Conclusion

I order the parties to comply with the terms of the settled agreement described above.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the landlord, which is to take effect on April 30, 2023, at 1:00 pm.

The landlord must serve this order on the tenant in accordance with the Act. If the tenant fails to comply with the order of possession, the landlord may enforce the order of possession in the Supreme Court of British Columbia. The monetary order may be enforced by the tenant in the Provincial Court of British Columbia

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 16, 2023

Residential Tenancy Branch