



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **ET, FFT**

Introduction

This hearing was convened by conference call as a result of the Landlord's application for dispute resolution ("Application") under the *Residential Tenancy Act* (the "Act"). The Landlord applied for:

- an early termination of the tenancy and an Order of Possession pursuant to section 56; and
- authorization to recover of the filing fee for the Application from the Tenant pursuant to section 72.

The Landlord's agent ("KR") and the Tenant attended the hearing. I explained the hearing process to the parties who did not have questions when asked. I told the parties they were not allowed to record the hearing pursuant to the *Residential Tenancy Branch Rules of Procedure*. The parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

KR stated the Notice of Dispute Resolution Proceeding ("NDRP") was served on the Tenant in person on March 3, 2023. The Tenant acknowledged he received the NDRP. I find the NDRP was served on the Tenant in accordance with the provisions of section 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.

The parties agreed to the following final and binding settlement of all issues currently under dispute:

1. The Landlord agrees to withdraw the Application;
2. The Tenant agrees to vacate the rental unit by 1:00 pm on April 1, 2023; and
3. This settlement does not settle any monetary claims one party may have against other under the Act, the *Residential Tenancy Regulation* or tenancy agreement.

These particulars comprise the full and final settlement of all claims made by the Landlord in the Application. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of claims made in the Application.

As the Landlord has withdrawn the Application, it is not entitled to recover the filing fee for the Application.

Conclusion

As the parties have reached a full and final settlement of all the claims set out in the Application, I make no factual findings about the merits of the Application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, the Landlord is provided with an Order of Possession requiring the Tenant to vacate the rental unit by 1:00 pm on April 1, 2023. If the Tenant fails to comply with the Order of Possession, 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 *Residential Tenancy Act*.

Dated: March 20, 2023

Residential Tenancy Branch