



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPC, OPN, MNRL-S, MNDCL-S, FFL**

Introduction

This hearing dealt with an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- An order for possession under a One Month Notice to End Tenancy for Cause ("One Month Notice") pursuant to sections 47 and 55.
- An order of possession under a Notice to End Tenancy given by the tenant pursuant to section 55(2)(a).
- A monetary order for unpaid rent and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*.
- Authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 72 of the *Act*.
- An order requiring the tenant to reimburse the landlord for the filing fee pursuant to section 72.

On March 10, 2022, by Review Consideration Decision, a new hearing of the original application in this matter was ordered. The Decision and Order issued on March 03, 2022, were suspended.

Both parties attended and had opportunity to provide affirmed testimony, present evidence and make submissions. I explained the hearing process. No issues of service were raised.

I explained the hearing and settlement processes, and the potential outcomes and consequences, to both parties. Both parties had an opportunity to ask questions, which I answered.

Neither party made any adjournment or accommodation requests.

I informed both parties that I could not provide advice to them, and I would make my Decision after the hearing.

No issues were raised regarding service. I find service complied with the Act.

Delivery of Decision

Each party confirmed their email address to which a copy of the Decision will be sent and for service.

Settlement

Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a Decision:

The parties agreed as follows:

- 1) The tenancy between the parties will end April 30, 2023, at 1:00 pm, by which time the tenant and any other occupants will return vacant possession of the rental unit to the landlord.
- 2) The landlord shall retain the security deposit in partial satisfaction of his claim for damages for compensation to the unit.

In support of the agreement described above, the landlord is granted an Order of Possession effective April 31, 2023, at 1:00 pm and after service on the tenant. The landlord may serve and enforce this Order if the tenant fails to move out as specified above.

Should either party violate the terms of this agreement, the tenancy agreement, or the *Act*, it is open to the other party to take steps under the *Act* for an appropriate remedy.

The Order of Possession may be filed and enforced as an Order of the Supreme Court of British Columbia.

The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the *Act*.

The Arbitrator reviewed the terms of the settlement with the parties; both parties stated they understood and agreed to the terms.

Based on the above, I find that all matters between these parties raised in this application are resolved pursuant to the above agreed terms.

Conclusion

This application is settled on the above terms.

The landlord is granted an Order of Possession effective April 30, 2023, at 1:00 pm.

The landlord may serve and enforce this Order if the tenant fails to move out as specified above.

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: April 20, 2023

Residential Tenancy Branch