



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding BRISTOL EATE 13301 HOLDINGS LTD. and [tenant name suppressed to protect privacy]

RECORD OF SETTLEMENT

Dispute Codes CNC, RPP, OLC, FFT, OPE, FFL

Introduction

This hearing dealt with applications from both the landlord and the tenants under the *Residential Tenancy Act* (the *Act*).

The landlord applied for:

- an Order of Possession pursuant to section 55; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant applied for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order requiring the landlord to return the tenant's personal property pursuant to section 65; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

Settlement

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties at the outset of the hearing led to a resolution. Specifically, it was agreed as follows;

1. Both parties agree that the tenant will move out by no later than 1:00 p.m. on April 27, 2023;

2. Both parties agree that the tenant will have access to his tools and moving equipment on April 20, 2023 from 3:00 p.m. and onwards until all his items have been removed; and
3. The landlord will provide \$500.00 for moving expenses to a recognized and registered moving company to assist the tenant in moving all of his belongings out of the unit.

Pursuant to this agreement the landlord will be given an order of possession to reflect condition #1 of this agreement. Should it be necessary, this order may be filed in the Supreme Court and enforced as an order of that Court.

The filing fee is a discretionary award usually issued by an Arbitrator after a party is fully successful after a full hearing on the merits of the application. As I was not required to make a decision regarding this application and both parties agreed to voluntarily settle this matter, I decline to award the recovery of the filing fee to the applicants.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this **full and final settlement of all matters listed in both applications.**

For absolute clarity, the tenant had possession of two units. The tenant agreed to vacate both units and the corresponding order of possession has been issued for each unit. In addition, all files are noted on this document for reference purposes.

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