



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

The hearing dealt with the Landlord's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* (the "Act"), for an early termination of the tenancy, an Order of Possession and recovery of the filing fee for their Application.

Parties appeared for both the Landlord and the Tenant. The parties affirmed to tell the truth during the hearing. Both parties were each given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

As both parties were present, service was confirmed at the hearing. The Tenant confirmed receipt of the Notice of Dispute Resolution Package (the "Materials"). Based on the Tenant's testimony I find that they were served with the Landlord's materials as required under section 89 of the Act. The Tenant submitted no evidence.

### Settlement

Pursuant to section 63 of the Act, an arbitrator may assist the parties to settle their dispute. 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 were able to reach a compromise and achieved a resolution of their dispute on mutually agreed terms.

Both parties agreed to the following final and binding settlement of all issues listed in the Application:

- The Tenant will provide the Landlord with vacant possession of the rental unit by 1:00 P.M. on July 1, 2023.
- The Tenant is authorized to withhold the rent due on June 1, 2023. This represents the compensation equivalent to one month's rent due to the Tenant under the Two Month Notice to End Tenancy for Landlord's Use of Property dated January 29, 2023 (the "Notice").
- The effective date of the Notice will be amended to July 1, 2023 and the tenancy shall be ended in accordance with the Notice.
- Both parties agreed that this settlement agreement constituted a final and binding resolution of the Landlord's Application.

The Landlord wished to discuss non-payment of utility bills as part of the settlement but the parties could not agree on the terms. The parties confirmed they understood that the issue of unpaid utility bills was not part of the settlement agreement and that the Landlord was at liberty to submit an application for dispute resolution to the Residential Tenancy Branch in relation to this matter.

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 by 1:00 P.M. on July 1, 2023.

The Landlord is provided with this Order in the above terms and must serve it on the Tenant in accordance with the Act. If the Tenant does not comply with the Order of Possession, it may be filed by the Landlord with the Supreme Court of British Columbia and enforced as an order of that court.

As the parties have reached a settlement, I make no factual findings about the merits of this Application.

As I am not deciding on the matter before me, I dismiss without leave to reapply the Landlord's request for the Tenant to pay the filing fee for the Application.

### Conclusion

The parties agreed to settlement on final and binding terms.

The Landlord is issued an Order of Possession effective 1:00 P.M. on July 1, 2023.

The Tenant is authorized to withhold rent due on June 1, 2023 as compensation due to them under the Two Month Notice to End Tenancy for Landlord's Use of Property dated January 29, 2023.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: May 09, 2023

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Residential Tenancy Branch