



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing dealt with the cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “Act”). The matter was set for a conference call.

The Tenants’ application for Dispute Resolution was made on October 7, 2023. The Tenants applied to cancel a One Month Notice to End Tenancy for Cause, for an order for the Landlord to comply with the Act, and to recover their filing fee.

The Landlord’s first application was made on October 12, 2023. The Landlord applied to enforce a mutual agreement to end the tenancy, for a monetary order, and to recover their filing fee.

The Landlord’s second application was a Direct Request Application made on December 13, 2023. As the Tenants had already filed a dispute of the Notice, the Landlord’s application was crossed with the Tenants’ applications to be heard at the same time. The Landlord applied for an order of possession to enforce a One Month Notice to End Tenancy for Cause and to recover their filing fee.

The Landlord and their Counsel (the “Landlord”) as well as one of the Tenants attended the hearing. The Landlord and Tenants were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Background and Evidence

During the hearing, both parties expressed a desire to enter into a mutual agreement to end this tenancy.

Section 63 of the *Act* allows for the parties to consider a settlement to their dispute during the hearing, and that any settlement agreement reached during the hearing may be recorded in the form of a decision and an order. In accordance with this, an opportunity for a settlement discussion was presented, and the parties came to an agreement on a settlement that would resolve their dispute.

During the hearing, the parties agreed to the following settlement:

1. The Landlord and Tenant agreed to an end of tenancy date of March 31, 2024.
2. The Tenant agreed to move out of the rental unit on March 31, 2024, by 4:00 p.m.
3. The Tenant agreed that the Landlord would be given an order of possession to the rental unit, for 4:00 p.m. on March 31, 2024.

The above terms of the settlement agreement were reviewed with all parties at the end of the hearing and all parties confirmed that they were entering into the settlement agreement on a voluntary basis. They also confirmed their understanding of the terms of the settlement agreement as full and final settlement of this matter.

Analysis

In order to enforce the conditions of the settlement agreement reached between the Landlord and Tenant, an **Order of Possession** will be granted to the Landlord.

I grant the Landlord an **Order of Possession** effective not later than 4:00 p.m. on March 31, 2024. Should the Tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia. The Tenants are cautioned that costs of such enforcement are recoverable from the Tenant.

Conclusion

The parties are ordered to comply with the terms of the settlement agreement as outlined in this decision.

I grant an **Order of Possession** to the Landlord to be served on the Tenant, effective no later than 4:00 p.m. on March 31, 2024. Should the Tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme 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: January 18, 2024

Residential Tenancy Branch