

DECISION

Introduction

This hearing dealt with Cross Applications including:

The Landlord's November 7, 2023, Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

- an Order of Possession based on a One Month Notice to End Tenancy for Cause (One Month Notice) under sections 47 and 55 of the Act

The Tenant's November 30, 2023, Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

- cancellation of the Landlord's One Month Notice to End Tenancy for Cause (One Month Notice) under section 47 of the Act
- an order requiring the Landlord to return the Tenant's personal property under section 65 of the Act
- an order requiring the Landlord to comply with the Act, regulation or tenancy agreement under section 62 of the Act

The parties attempted settlement before a formal hearing was called. The parties then managed to settle their dispute during the hearing. Both parties were instructed that Settlements can only occur if they are entered into freely by the parties. The Tenant testified that they agreed to the terms of the settlement and asked that the impossibility of their current situation be documented.

Analysis

Under section 63 of the Act, the 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 this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of their respective applications and the issues in dispute arising out of this tenancy at this time and did so of their own free volition and without any element of coercion:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on March 8, 2024, by which time the Tenant agreed to have vacated the rental unit.
2. The Landlord will pay the Tenant \$3,500.00 IF they vacate the rental unit on or before March 8, 2024, as required.
3. No payment is required or will be made if the Tenant fails to vacate the rental unit when required.
4. Both parties agreed that these particulars comprise the full settlement of all aspects of their respective applications for dispute resolution.

Conclusion

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant an Order of Possession to the Landlord effective **on March 8, 2024, after service of this Order** on the Tenant. Should the Tenant or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

To give effect to the above settlement reached between the parties, I grant a Monetary Order in the Tenant's favour in the amount of \$3,500.00 so long as they vacate the rental unit as required by March 8, 2024. This Order is of no force or effect if the Tenant fails to vacate when required.

The Tenant is provided with this Order and the Landlord must be served with a copy of this Order as soon as possible. Should the Landlord fail to comply with this Order, it may be filed in the Small Claims Division of the Provincial Court 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 Act.

Dated: February 6, 2024

Residential Tenancy Branch