



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application pursuant to section 56 of the *Residential Tenancy Act* (the *Act*) for an early end to this tenancy and an Order of Possession. Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The landlord testified that he handed the tenant a copy of his dispute resolution hearing package at 11:55 a.m. on July 31, 2014. Although the tenant testified that this did not occur when the landlord stated, the tenant confirmed that he did receive a copy of the landlord's hearing and written evidence packages a few days after July 31, 2014, on the floor near his rental unit. I am satisfied that the tenant has been served with the above documents and was prepared to address the landlord's application for dispute resolution.

Issues(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession?

Background and Evidence

This tenancy commenced by way of a signed fixed term Residential Tenancy Agreement that was to last from May 25, 2014 until July 31, 2014. The tenancy continued as a periodic tenancy after that date. Monthly rent for a basement room in this rental property is set at \$400.00, payable in advance on the first of each month. The landlord continues to hold the tenant's \$100.00 security deposit paid on or about May 25, 2014.

The landlord submitted written evidence in support of his assertion that the tenant's actions and behaviours warranted an early end to this tenancy and the issuance of an Order of Possession.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and 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 engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to resolve the issues identified in the landlord's application under the following final and binding terms:

1. Both parties agreed that the tenancy will end by 1:00 p.m. on August 31, 2014, by which time the tenant will have vacated the rental unit.
2. The landlord agreed to allow the tenant full access to the rental property until 1:00 p.m. on August 31, 2014, when this tenancy ends.
3. Both parties agreed that this settlement agreement constituted a final and binding resolution of the landlord's application for dispute resolution.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession to be used by the landlord if the tenant does not vacate the rental premises in accordance with their agreement. The landlord is provided with these Orders in the above terms and the tenant must be served with this Order in the event that the tenant does not vacate the premises by the time and date set out in their agreement. Should the tenant(s) 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: August 25, 2014

Residential Tenancy Branch

