



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the “Application”) made by the Landlord to end the tenancy early and to recover the filing fee.

The Landlord and the Tenant both appeared for the hearing and provided affirmed testimony. The Tenant confirmed receipt of the Landlord’s Application, the Notice of Hearing documents, and the Landlord’s documentary evidence which were served by the posting them to the Tenant’s rental unit door.

Therefore, I find the Landlord met the service requirement for these documents in accordance with Section 89(2) (d) of the *Residential Tenancy Act* (the “Act”) and the Rules of Procedure. The Tenant confirmed that he had not submitted any evidence prior to this hearing.

At the start of the hearing, the Tenant indicated that he was planning to vacate the rental suite in accordance with a notice to end tenancy for cause. This notice to end tenancy had been served to the Tenant by the Landlord with an effective vacancy date of April 30, 2015. However, the Landlord’s Application was to end the tenancy earlier than the vacancy date on the notice to end tenancy for cause.

Before the parties were invited to provide and present their evidence for this dispute, I offered the parties an opportunity to settle this matter through mutual agreement. The parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of the dispute by agreeing to mutually end the tenancy.

The Tenant indicated that he would be willing to vacate the rental suite by March 31, 2014 and the Landlord was agreeable to this proposal.

Settlement Agreement

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.

Both parties agreed to end the tenancy on March 31, 2015. In order to give effect to the ending of the tenancy, the Landlord is issued with an Order of Possession which is dated effective for **March 31, 2015 at 1:00 p.m.**, which is when the Tenant is required to move out of the rental suite.

Copies of this order are attached to the Landlord's copy of this decision. If the Tenant fails to vacate the rental suite by this agreed date, the Landlord must serve to the order to the Tenant and it may then be filed and enforced in the Supreme Court as an order of that court.

As the parties agreed to end the tenancy through mutual consensus, the Landlord's Application for the recovery of the filing fee is dismissed. This file is now closed.

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: March 18, 2015

Residential Tenancy Branch

