



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 1763396 ALBERTA LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, FF (Landlord's Application)  
                             CNR (Tenant's Application)

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the "Application") made by the Landlord on June 4, 2015, and by the Tenant on May 8, 2015. The Landlord applied for an Order of Possession for unpaid rent, and to recover the filing fee. The Tenant applied to cancel the notice to end tenancy for unpaid rent.

The owner of the company named on both Applications and the Tenant appeared for the hearing and provided affirmed testimony. The parties confirmed receipt of each other's Application by registered mail. The Tenant confirmed receipt of two notices to end tenancy for unpaid rent served to him on his rental unit door.

Both parties provided oral testimony and submissions during the hearing. At the conclusion of the hearing, the parties had a discussion about ending the tenancy on mutual terms. As a result, the parties decided that both Applications were more appropriate to be settled by an agreed end of tenancy date.

### 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.

The Landlord and Tenant agreed that this tenancy would terminate on **July 5, 2015 at 6:00 p.m.** The Tenant is required to provide full and vacant possession of the rental unit to the Landlord and ensure that it is reasonably clean and undamaged in accordance with the *Residential Tenancy Act*.

As a result, the Landlord is issued with an Order of Possession effective for this date and time. This order is enforceable in the Supreme Court of British Columbia as an

order of that court **if** the Tenant fails to vacate the rental unit on this date and time. Copies of the order are attached to the Landlord's copy of this decision.

In light of the above agreement, the Landlord withdrew his Application to recover the filing fee and this portion of the Landlord's Application is hereby dismissed without leave to re-apply.

The parties were asked to confirm their agreement of the above terms and conditions during and at the conclusion of the hearing, which they did. This agreement and the order is fully binding on the parties and does not affect the parties rights and obligations in relation to the return of the Tenant's security deposit at the end of the tenancy. Both files are now closed.

#### Conclusion

The parties agreed to settle both Applications in full satisfaction through mutual agreement. The Landlord is issued with an Order of Possession for July 5, 2015 at 6:00 p.m. The Landlord withdrew his claim to recover the filing fee.

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: June 24, 2015

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Residential Tenancy Branch

