



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM FF

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("the Act") for an Order of Possession in accordance with a Mutual Agreement to End Tenancy pursuant to section 55 and authorization to recover the filing fee for this application from the tenants pursuant to section 72.

Both parties (two landlords and two tenants) attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, and to make submissions. The tenants acknowledged receipt of the landlord's Application for Dispute Resolution as well as the landlord's evidence for this hearing. The tenants acknowledged that they have a copy of the mutual agreement to end tenancy and confirmed the details matched the copy submitted by the landlord for this hearing.

Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Background and Evidence

This tenancy began on October 1, 2015. The tenants continue to reside in the rental unit with a current monthly rental amount of \$930.00. Both parties agreed that the tenants paid a \$450.00 security deposit to the landlords at the outset of their tenancy (September 15, 2015).

The tenants acknowledged signing a mutual agreement to end tenancy on March 1, 2017 with an end of tenancy date of March 31, 2017 however the tenants testified that they have had difficulty finding a new residence given that they have pets and one of the tenants requires certain accommodations for medical reasons. Both parties testified that they have agreed to a new date for the end of tenancy: June 30, 2017.

Analysis

The landlords sought an order of possession to ensure the tenants vacate the rental unit as agreed. Section 55(2)(d) of the *Act* allows an arbitrator to provide a landlord with an order of possession when the landlord makes a request for such an order and the tenant fails in opposing such an order or does not oppose such an order in accordance with the *Act*.

55 (2) A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:

... (d) the landlord and tenant have agreed in writing that the tenancy is ended.

(3) The director may grant an order of possession before or after the date when a tenant is required to vacate a rental unit, and the order takes effect on the date specified in the order.

As the tenants did not oppose an order of possession to the landlord, I provide the landlord with an order of possession for June 30, 2017.

Pursuant to section 63 of the *Act*, 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. Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

The Parties mutually agreed as follows:

1. The landlords agree that no rental payment is required from the tenants for the month of May 2017.
2. The tenants agree to pay June 2017 rent in accordance with section 26 of the *Act* and the residential tenancy agreement.
3. The tenants agreed to vacate the rental unit on or before June 30, 2017 at three in the afternoon.
4. The parties agree that they will address the security deposit at the end of tenancy following the provisions of the *Act* provided above and any other relevant sections.
5. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

Conclusion

To give effect to the settlement reached between the parties, I grant the landlord a formal copy of an Order of Possession dated June 30, 2017. 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: June 02, 2017

Residential Tenancy Branch