



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET, FFL

### Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) that was filed under the *Residential Tenancy Act* (the “Act”) seeking an early end to the tenancy and an Order of Possession pursuant to section 56 of the *Act* as well as recovery of the filing fee.

The hearing was convened by telephone conference call and was attended by the Landlord, the agent for the Landlord (the “Agent”), and the Tenant. All parties provided affirmed testimony.

### Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised on several occasions during the hearing that there is no obligation to resolve the dispute through settlement, but that pursuant to section 63 of the *Act*, I could assist the parties to reach an agreement, which would be documented in my decision and supporting orders.

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The parties agree that the tenancy will end on October 1, 2018, at 1:00 P.M.
2. The Tenant agrees to vacate the rental property by 1:00 P.M. on October 1, 2018.
3. The rights and obligations of the parties under the *Act* continue until the tenancy ends in accordance with this agreement.
4. The parties agree that the Tenant currently owes \$1,700.00 in outstanding rent for the period up-to and including October 1, 2018.
5. The Tenant agrees that the Landlord may keep the \$850.00 security deposit towards the \$1,700.00 in outstanding rent, the balance of which will be paid by post-dated cheque as follows:
  - a. \$425.00 on January 5, 2019;
  - b. \$425.00 on February 20, 2019.

6. The Tenant agrees to provide the above noted post-dated cheques to the Landlord or the Agent on or before October 1, 2018, at 1:00 P.M.
7. The Tenant agrees to provide his forwarding address in writing, as required by the *Act*, to the Landlord or the Agent on or before October 1, 2018, at 1:00 P.M.
8. The Landlord withdraws their Application in full as part of this mutually agreed settlement.

This settlement agreement was reached in accordance with section 63 of the *Act*.

### Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above.

In support of the settlement described above, and with the agreement of the parties, I grant the Landlord an Order of Possession, effective October 1, 2018, at 1:00 P.M. The Landlord is provided with this Order in the above terms and the Landlord must serve this Order on the Tenant as soon as possible. Should the Tenant fail to comply with this Order, this order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

In support of the settlement described above, and with the agreement of the parties, I also grant the Landlord a conditional Monetary Order in the amount of \$850.00. The Landlord is provided with this Order in the above terms and the Landlord must serve this Order on the Tenant as soon as possible. Should the Tenant fail to comply with section(s) 5 and/or 6 of the above noted settlement agreement or should the post-dated cheques provided by the Tenant to the Landlord fail to clear, this Order 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 *Residential Tenancy Act*.

Dated: September 24, 2018

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Residential Tenancy Branch