



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ROYAL LEPAGE IN THE COMOX
VALLEY and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, LAT, LRE, OLC

Introduction

This decision is in respect of the tenants' application for dispute resolution under the *Residential Tenancy Act* (the "Act"). The tenants sought the following remedies:

1. an order cancelling a One Month Notice to End Tenancy for Cause (the "Notice"), pursuant to section 47(4) of the Act;
2. an order for a lock change authorization, pursuant to sections 31 and 70 of the Act;
3. an order restricting or suspending the landlord's right to enter the rental unit, pursuant to section 70 of the Act; and
4. an order for the landlord to comply with the Act, the *Residential Tenancy Regulation*, or the tenancy agreement, pursuant to section 62 of the Act.

A dispute resolution hearing was convened on February 8, 2019 and the tenants and two landlord agents attended.

Settlement Agreement

Tenant (M.S.) testified that he has since vacated the rental unit and no longer resides therein. Tenant (R.W.) testified that he has a moving truck lined up for Sunday, February 10, 2019, and will be vacating the rental unit on that date.

Section 63 of the Act permits me to offer the parties an opportunity to settle their dispute. If the parties settle their dispute during the hearing, I record the settlement in the form of a decision or an order.

Given that tenant M.S. has already vacated the rental unit and tenant R.W. is in the process of moving out by the weekend, the parties agreed (and did not oppose) that the landlord would be entitled to an order of possession dated after tenant R.W. has vacated. I canvassed possible order of possession effective dates and it was agreed that an order of possession dated for Friday, February 15, 2019 would allow tenant R.W. sufficient buffer time to leave the rental unit.

Conclusion

Consistent with the above-noted discussions, I grant an order of possession to the landlord effective February 15, 2019.

The landlord is required, however, to serve the order of possession on the remaining tenant no later than February 13, 2019, should this be necessary. The order of possession may be enforced in the Supreme Court of British Columbia, if required.

I make no findings of fact or law in respect of the particulars of the tenants' application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: February 8, 2019

Residential Tenancy Branch