



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OLC DRI FFT

### Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* (“the Act”) for an order as follows:

- an Order directing the landlord to comply with the *Act* pursuant to section 62;
- a return of the filing fee pursuant to section 72; and
- disputing an additional rent increase pursuant to section 41.

Both the landlord and the tenant attended the hearing by way of conference call. The landlord was represented at the hearing by counsel, K.H. All parties were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

### Analysis

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. During the hearing, the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. Both parties entered into a mutual agreement that this tenancy will end on September 30, 2020 at 1:00 P.M., by which date the tenant and any other occupants will have vacated the rental unit.
2. The parties agreed that this tenancy ends by way of a mutual agreement.
3. Starting June 1, 2020, the landlord agrees to accept rent of \$775.00 per month until the conclusion of the tenancy in September 2020.

4. The tenant agreed to withdraw her application and agreed that this settlement would be a final and binding agreement of all matters presently in dispute before me.
5. All parties agreed to conduct themselves in keeping with the provisions of the Residential Tenancy Act and the Tenancy Agreement signed by the parties.
6. Both parties agreed that this settlement agreement constituted a final and binding resolution of the tenant's application.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

### Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect by 1:00 P.M. on September 30, 2020. The landlord is provided with this Order in the above terms and the tenant must be served with this Order in the event that they do not abide by condition #1 of the above settlement. Should the tenant 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: May 26, 2020

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Residential Tenancy Branch