



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MT, CNR, FF

Introduction

This was a cross-application hearing for Dispute Resolution under the *Residential Tenancy Act* ("the Act").

On September 17, 2020, the Tenant applied for more time to make an application to dispute a notice to end tenancy and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

On September 22, 2020, the Landlord applied for an order of possession for the rental unit and a monetary order for unpaid rent based on the issuance of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

The matter was set for a conference call hearing. Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants.

Settlement Agreement

At the start of the hearing, the parties agreed to settle this dispute on the following conditions:

1. The parties agreed that the tenancy will end on **December 1, 2020**.
2. The parties agreed that the Landlord is granted an order of possession effective **December 1, 2020, at 3:00 p.m.** The Landlord must serve the Tenant with the order of possession.
3. The Landlord withdraws her application for an order of possession based on the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated September 2, 2020 as part of this mutually settled agreement.
4. The Tenant withdraws her application to dispute the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities as part of this mutually settled agreement.

The settlement agreement does not include any consideration or finding of unpaid rent. The Landlord is at liberty to make a future application for dispute resolution for unpaid rent.

Since both parties withdrew their applications, I decline to order the parties to pay each other for the cost of the filing fee.

This settlement agreement was reached in accordance with section 63 of the *Act*. The opportunity for settlement was discussed with the parties during the hearing. The parties were advised there is no obligation to resolve the dispute through settlement, but that I could assist the parties to reach an agreement. I indicated that if either party did not wish to resolve this matter through a mutually agreed settlement, I was prepared to hear their evidence and make a decision.

Conclusion

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

The Landlord has been granted an order of possession effective December 1, 2020 at 3:00 p.m. For enforcement, this order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: November 10, 2020

Residential Tenancy Branch