



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

SETTLEMENT DECISION

Dispute Codes **FFL, OPN, OPM**

Introduction

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

- an order of possession pursuant to section 55 of the Act
- reimbursement of the filing fee pursuant to section 72 of the Act

Both parties confirmed they were not recording the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

Both parties attended the hearing with the landlords being represented by landlord C.H., while the tenants were represented by C.H. Q.C. and an agent K.S..

The tenants confirmed receipt of the Dispute Notice. Pursuant to section 89 of the Act the tenants are found to have been served with this notice in accordance with the Act. The landlord did not receive the tenant, Q.C.’s materials in response, therefore I declined to consider them.

Preliminary Issues

Although both tenants appeared at the hearing, it was not disputed that the tenant C.H. had vacated the rental property and was currently living elsewhere. I therefore amend the application for dispute resolution pursuant to section 64(3)(c) of the Act and Rule 4 of the Rules of Procedure to remove C.H. from the proceeding, reflecting that the only tenant that should be named is tenant Q.C.

Settlement

Pursuant to section 63 of the Act, an 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, engaged in a conversation, 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 listed in this application for dispute resolution:

1. The tenant agrees to provide the landlord with vacant possession of the subject rental property on October 31, 2022 at 1:00 P.M.
2. The tenant agrees to pay rent in full in the amount of \$1425.00 owing for the month of October 2022.

As the parties have reached a settlement, I make no factual findings about the merits of this application.

The landlord has leave to reapply in respect of any other monetary compensation owed under the Act. As the matter settled I decline to refund the filing fee. The landlord is provided with this order in the above terms and must serve it on the tenants in accordance with the Act. If the tenant fails to comply with this order, this order may be filed and enforced as an order of the Supreme Court of British Columbia.

Conclusion

I order the parties to comply with the terms of the settled agreement described above. In support of the settlement, and with the agreement of the parties, I grant the Landlord an order of possession, which will be effective on October 31, 2022, 1:00 p.m. The order may be filed in and enforced as an order of the Supreme Court of British Columbia.

I grant a monetary order in favour of the landlord for an amount of \$1,425.00 constituting rent for the month of October 2022. This order may be filed in 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: September 27, 2022

Residential Tenancy Branch