

DECISION

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

- An Order of Possession for the rental unit in order to perform renovations or repair that require the rental unit to be vacant, pursuant to section 49.2;

Service of Notice of Dispute Resolution Proceeding (Proceeding Package)

The Tenants KD, CW, and WN acknowledge service of the Proceeding Package and are duly served in accordance with the Act.

Tenant MF did not attend the hearing, but the Landlord provided proof that the Proceeding Package was sent to the Tenant's address for service by registered mail, in accordance with the Act. Tenant KD, who is MF's neighbour, stated that they spoke to MF about the hearing and that MF was aware of it. I deem that Tenant MF has been served with the Proceeding Package in accordance with the Act.

Service of Evidence

Based on the submissions before me, I find that the Landlord's evidence was served to the Tenant in accordance with section 88 of the Act.

None of the Tenants submitted any evidence; all Tenants in attendance confirmed that they had not submitted any evidence.

Preliminary Matters

Unit A – already vacated and received one month of compensation

Tenants KD and CW confirmed that they had already vacated the rental unit on June 1, 2024, and had received their compensation as required by the Act. The Landlord also confirmed this information.

This renders the application for an order of possession moot. This tenancy has already ended.

Unit B – already vacated and received one month of compensation

The Landlord provided a text message exchange affirming that Tenant MF is vacating the premises. The Landlord states that compensation was already provided.

Based on this undisputed testimony, I conclude that this tenancy has ended and that an order of possession is not required.

Settlement – Tenant NW, Unit C

Under section 63 of the Act, the Arbitrator may assist the parties to settle their dispute. 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 this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of the Tenant's application and the issues in dispute arising out of this tenancy at this time and that they did so of their own free volition and without any element of coercion:

- Both parties agreed that this tenancy shall end by December 31, 2024, at 1:00 PM, to allow NW additional time to find a new residence;
- The Landlord agreed to provide a garbage bin for the Tenant to dispose of garbage, furniture, and extra belongings, within a reasonable amount of time after requested by Tenant NW;
- The Tenant waives their section 51.4(1) entitlement to one month of compensation for the tenancy ending under section 49.2;
- Both parties agreed that these particulars comprise the full settlement of all aspects of their current applications for dispute resolution.

Conclusion

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant an Order of Possession to the Landlord effective **on December 31, 2024, at 1:00 PM, after service of this Order** on the Tenant. Should the Tenant or any occupant on the premises 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 Act.

Dated: July 4, 2024