



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, MNR, CNR, FF

Introduction

This hearing dealt with two applications, as follows: 1) from the landlord for an order of possession, for a monetary order for unpaid rent, and recovery of the filing fee for this application; 2) from the tenant for cancellation of the notice to end tenancy, and for recovery of the filing fee for this application. Both parties participated or, in the case of the landlord, were represented in the hearing and each gave affirmed testimony.

Issues to be Decided

- Whether the landlord is entitled to an order of possession
- Whether the tenant is entitled to cancellation of the notice to end tenancy
- Whether either party is entitled to a monetary order under the *Act*

Background and Evidence

The tenant and her boyfriend moved into the unit sometime in June 2008. There is no written residential tenancy agreement, however, it was verbally agreed between the parties that rent in the amount of \$500.00 would be paid on the 15th day of each month. On or around June 15, 2008 a security deposit of \$250.00 was collected. The tenant's boyfriend vacated the unit in November 2008 while the tenant has remained in the unit. The parties agree that when rent was paid, it was paid in cash. However, there is conflicting testimony from the parties as to whether rent was or was not paid on December 15, 2008, and on January 15, 2009 for that date and in advance on that date for February 15 and March 15, 2009. Two slightly different versions of a 10 day notice to end tenancy for unpaid rent were submitted into evidence, one version from each of

the two parties. During the hearing the parties engaged in a discussion with a view to resolving the dispute.

Analysis

Pursuant to section 63 of the *Act*, discussion between the parties during the hearing led to a resolution of the dispute. As full and final settlement of all aspects of the current dispute between the parties, specifically, it was agreed and I order as follows:

- that the landlord will waive entitlement to any further payment of rent from the tenant with respect to the current tenancy;
- that the tenant will vacate the unit within **two (2) days** as required by the order of possession which the landlord will serve on the tenant; the order of possession is dated March 6, 2009;
- that the parties will inform themselves of the statutory provisions concerning the disposition of the security deposit following the end of tenancy; the statutory provisions may be found on the website: www.rto.gov.bc.ca/
Further, the parties may consult with a Residential Tenancy Branch Information Officer in-person or by calling 604-660-1020

Conclusion

Pursuant to the above agreement I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Finally, as the parties have settled this matter by way of the provisions set out in section 63 of the *Act*, I dismiss their respective applications for recovery of the filing fee.

DATE: March 6, 2009

Dispute Resolution Officer