



Dispute Resolution Services

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

Decision

Dispute Codes: OPR, CNR, MNR, FF

Introduction

This hearing dealt with two applications: 1) from the tenant for cancellation of a notice to end tenancy, and recovery of the filing fee; 2) from the landlords for an order of possession, and a monetary order as compensation for unpaid rent. Further, while neither party identified the security deposit as an issue in dispute on their respective applications, during the hearing they undertook to address that matter. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether either or both parties are entitled to any or all of the above

Background and Evidence

There is no written residential tenancy agreement for this tenancy which began around February 1, 1999. Rent in the amount of \$1,100.00 is payable on the first day of the month, and a security deposit of \$550.00 was collected on or about February 1, 1999.

The landlord stated that the rental property has been sold and there was no dispute between the parties on this point. The parties also agree that rent has currently been paid up to the end of April 2009. Various, the landlord has recently issued 3 separate notices to end tenancy: a 10 day notice to end tenancy for unpaid rent, a 1 month notice to end tenancy for cause, and a 2 month notice to end tenancy for landlord's use of property. During the hearing the parties exchanged views on the circumstances giving rise to the dispute and undertook to achieve a resolution.

Analysis

Pursuant to section 63 of the Act, discussion between the parties during the hearing led to a resolution of the dispute. Specifically, it was agreed by the parties as follows:

- that the tenant will vacate the unit by no later than 1:00 p.m., Wednesday, July 1, 2009, and that an *order of possession* will be issued in favour of the landlords to that effect;
- that the landlords waive any entitlement to rent for either of the months of May or June 2009;
- that what may otherwise have led to a dispute around the disposition of the security deposit following the end of tenancy, will be settled by way of the landlords' cheque payment to the tenant in the amount of \$275.00, and that a *monetary order* will be issued in favour of the tenant to that effect;
- that the above cheque will be hand delivered by the landlord to the tenant at the rental site at 1:00 p.m., Wednesday, July 1, 2009;
- that the above particulars comprise full and final settlement of all aspects of the dispute before me for both parties.

Conclusion

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlords effective not later than **1:00 p.m., Wednesday, July 1, 2009**. 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.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the tenant in the amount of **\$275.00**. Should it be necessary, this order may be served on the landlords, filed in the Small Claims Court and enforced as an order of that Court.

DATE: June 23, 2009

Dispute Resolution Officer