



# Dispute Resolution Services

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

## **Decision**

**Dispute Codes:** OPC, CNC, RP, FF

## **Introduction**

This hearing dealt with two applications: 1) from the landlord(s) for an order of possession; 2) from the tenant(s) for cancellation of the landlord(s)' notice to end tenancy for cause, an order requiring the landlord(s) to make certain repairs to the unit, and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

## **Issues to be decided**

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

## **Background and Evidence**

Pursuant to a written residential tenancy agreement, the tenancy commenced on or about December 1, 2007. Rent in the amount of \$575.00 is payable on the first day of the month, and a security deposit of \$275.00 was collected at the start of tenancy.

The landlord(s) issued a 1 month notice to end tenancy for cause dated June 18, 2009. The date shown on the notice by when the tenant(s) must vacate the unit is July 31, 2009. Within 10 days of receiving the notice, the tenant(s) applied to dispute it by filing an application for dispute resolution. Included in their application the tenant(s) described a range of concerns about the landlord(s) including, but not limited to, failure to make necessary repairs in a timely manner.

During the hearing the parties undertook to find a mutually agreeable resolution to the dispute in order that all might move forward.

## **Analysis**

Section 63 of the Act provides that the parties may undertake to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution of the dispute. Specifically, it was agreed as follows:

- that the tenant(s) will vacate the unit by no later than 1:00 p.m., Wednesday, September 30, 2009, and that an order of possession will be issued in favour of the landlord(s) to that effect;
- that the tenant(s) will withhold \$25.00 from the next regular payment of monthly rent in consideration of agreement between the parties to share responsibility for the \$50.00 filing fee;
- that the above particulars represent full and final settlement of all aspects of the dispute for both parties, which arise out of this tenancy and which are presently before me.

## **Conclusion**

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlord(s) effective not later than **1:00 p.m., Wednesday, September 30, 2009**. This order must be served on the tenant(s). Should the tenant(s) 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.

Further, pursuant to the above agreement, I order that the tenant(s) may withhold **\$25.00** from the next regular payment of monthly rent.

DATE: August 7, 2009

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Dispute Resolution Officer