

Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: *ET, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The tenant was represented by her mother.

Issues to be decided

Does the landlord have cause to end the tenancy early?

Background and Evidence

The tenant rented the basement suite of the home, on February 01, 2009. The monthly rent is \$750.00 and payable on the first of each month. Prior to moving in, the tenant paid a security deposit of \$375.00.

At the outset of the hearing the tenant's agent advised me that the tenant was arrested and in custody for her aggressive behaviour towards the upstairs occupant. The tenant is not disputing the notice to end tenancy and had made arrangements for her belongings to be moved out.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties 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 this hearing, the tenant agreed to move out and therefore, pursuant to section 55(2), I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord is entitled to the recovery of the filing fee and I allow the landlord to retain \$50.00 from the security deposit.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. The landlord may retain \$50.00 from the security deposit.

Dated September 28, 2009.

Dispute Resolution Officer