

Decision

Dispute Codes: OPC, CNC, MNR, MND, MNDC, ERP, MNSD, FF

Introduction

This hearing dealt with two applications: i) by the landlord for an order of possession, a monetary order as compensation for unpaid utilities, compensation for damage to the unit, retention of the security deposit, and recovery of the filing fee: ii) by the tenant for cancellation of the notice to end tenancy, a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement, an order instructing the landlord to make emergency repairs for health or safety reasons, and recovery of the filing fee.

Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether either party is entitled to any of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from March 3 to August 31, 2010. Thereafter, the tenancy agreement provides for tenancy to continue on a month-to-month basis. Rent in the amount of \$1,150.00 is payable in advance on the first day of each month. A security deposit of \$575.00 was collected on March 3, 2010.

Arising from various concerns about the tenancy, the landlord issued a 1 month notice to end tenancy for cause dated May 3, 2010. Further to an order of possession, in her application the landlord seeks compensation for unpaid utilities and costs arising from replacement of the damaged door to the unit, and recovery of the filing fee.

For her part, in summary the tenant seeks timely replacement of the damaged unit door, in addition to compensation for breach of the right to quiet enjoyment, compensation for possessions which she claimed were removed from her unit after someone's unauthorized entry into the unit, and recovery of the filing fee.

During the hearing the parties respectfully exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

Analysis

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

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

- that the tenant will vacate the unit by not later than 1:00 p.m., Wednesday, June 30, 2010, and that an order of possession will be issued in favour of the landlord to that effect;
- that as payment for hydro utilities, the tenant will direct deposit into the landlord's bank account the full amount of \$117.37;
- that the above payment will be completed by no later than midnight, Friday, June 11, 2010;
- that related to a cost-sharing agreement concerning replacement of the damaged unit door, the landlord will withhold the amount of \$205.00 from the tenant's security deposit at the end of tenancy;
- that the tenant withdraws all aspects of her application which concern cancellation of the notice to end tenancy, a monetary order and an order instructing the landlord to make emergency repairs;

- that both parties incur their respective costs for the filing fee;
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties, which arise out of this tenancy and are presently before me.

Conclusion

Pursuant to the above, I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., Wednesday, June 30, 2010**. 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.

I hereby order the parties to comply with all aspects of the agreement reached between them during the hearing, the details of which are set out above.

DATE: June 7, 2010

Dispute Resolution Officer