

Decision

Dispute Codes: CNR, MNDC, OLC, RP

Introduction

This hearing dealt with an application by the tenant for cancellation of a notice to end tenancy for unpaid rent or utilities / a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / an order instructing the landlord to comply with the Act, regulation or tenancy agreement / and an order instructing the landlord to make repairs to the unit, site or property. Both parties were represented at the hearing and gave affirmed testimony.

Issues to be decided

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

Background and Evidence

There is no written tenancy agreement for this month-to-month tenancy which began between September 22 and October 1, 2009. Rent in the amount of \$500.00, in addition to hydro in the amount of \$100.00, are payable in advance on the first day of each month. Neither a security deposit nor a pet damage deposit were collected.

Arising from rent and utilities which remained unpaid over several months, the landlord issued a 10 day notice to end tenancy for unpaid rent or utilities dated July 28, 2010. The notice was served in person on the tenant on that same date. A copy of the notice was submitted into evidence. Subsequently, there is no conclusive evidence that the tenant made any payment toward either rent or utilities. The tenant filed an application to dispute the notice on August 4, 2010.

During the hearing the parties 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., Sunday, September 26, 2010, and that an order of possession will be issued in favour of the landlord to that effect;
- that the tenant withdraws all aspects of his application for dispute resolution;
- that the landlord sets aside the option of applying for dispute resolution in order to seek monetary compensation from the tenant for unpaid rent or utilities;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Sunday, September 26, 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.

DATE: September 21, 2010

Dispute Resolution Officer