

## **DECISION**

### Dispute Codes:

MNR, OPC, CNC, FF

### Introduction

This was a cross-Application hearing.

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for a monetary Order for unpaid October 2010, rent, an order of possession based upon a Notice issued ending tenancy for cause and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The tenants applied to cancel the Notice issued ending tenancy and to recover the filing fee from the landlord for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained and they were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed. The parties were able to present affirmed oral testimony and to make submissions during the hearing.

The parties agreed that each had been served with Notice of the other's Application and all evidence.

### Mutually Settled Agreement

The parties reached the following settled agreement:

- The tenant and the landlord's agent will meet at the rental unit at 10 a.m. on October 29, 2010, at which time a move-out condition inspection will be completed and the tenant will give the landlord's agent the rental unit keys; thus relinquishing possession of the unit;

- Based on the 1 Month Notice ending tenancy for cause issued on September 21, 2010, and this mutual agreement, the landlord will be issued an Order of possession effective October 31, 2010, at 1 p.m.;
- That the landlord will retain the deposit paid on February 28, 2009, in the sum of \$1,325.00, in satisfaction of his claim for unpaid October 2010, rent owed by the tenants; and
- That the tenants will not be required to pay the landlord the balance of October rent owed in the sum of \$1,325.00.

Before the hearing ended I ensured that each party fully agreed to and accepted the terms of this mutually settled agreement and that the terms of the agreement were equally acceptable to each.

### Conclusion

The parties have reached a mutually settled agreement.

Based on the mutually settled agreement an Order of possession has been issued to the landlord, effective October 31, 2010, at 1 p.m.

Each party has paid their own filing fees.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 28, 2010.

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Dispute Resolution Officer