



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

**Dispute Codes:** CNR, OPR, MNR, MNDC, FF

### **Introduction**

This hearing dealt with applications by the tenant and the landlord pursuant to the *Residential Tenancy Act*.

The landlord served the tenant with a notice to end tenancy for nonpayment of rent and applied for an order of possession pursuant to this notice. The tenant applied to cancel this notice. The landlord also applied for a monetary order for rent. Both parties applied for the recovery of the filing fee.

The tenant paid the outstanding balance of rent for September to the landlord and also paid rent for October. Accordingly, a monetary order for rent is no longer required by the landlord. Therefore this hearing only dealt with the landlord's application for an order of possession and the tenant's application to set aside the notice to end tenancy.

Both parties attended the hearing and had opportunity to be heard.

### **Issue to be Decided**

Does the landlord have grounds to end this tenancy?

### **Background and Evidence**

The tenancy started on September 01, 2010. The monthly rent is \$900.00 due on the first of each month. At the time of the hearing the tenant was all caught up on rent. At this time the landlord holds a security deposit of \$450.00 and a pet damage deposit of \$450.00.

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 parties reached an agreement to settle their dispute. Both parties agreed to the following terms:

1. The landlord agreed to allow the tenancy to continue up to December 31, 2010.
2. The tenant agreed to move out on or before 1 p.m. on December 31, 2010 and pay rent up to the last day of the tenancy.

Both parties agree that these particulars comprise the **full and final settlement** of all aspects of this dispute for both parties. Pursuant to the agreement between the landlord and tenant, under the provisions of section 55(1), I grant the landlord an order of possession. The tenant must be served with the order of possession. 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.

As this dispute was resolved by mutual agreement and not based on the merits of the case, the parties must bear the cost of filing their own application

### **Conclusion**

I grant the landlord an order of possession effective on or before 1:00 p.m. on December 31, 2010.

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 26, 2010.

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Dispute Resolution Officer