



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This matter dealt with an application by the Landlord for an early end to the tenancy, an Order of Possession and to recover the filing fee for this proceeding.

The Landlord's agent said he served the Tenants with the Application and Notice of Hearing (the "hearing package") by personal delivery on November 16, 2010. Based on the evidence of the Landlord's agent, I find that the Tenants were served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded with both the Landlords and the Tenants in attendance.

### Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy early?
2. Is the Landlord entitled to an Order of Possession?

### Background and Evidence

This tenancy started on September 1, 2010 as a month to month tenancy. Rent is \$675.00 per month payable in advance of the 1<sup>st</sup> day of each month. The Tenant paid a security deposit of \$350.00 on September 1, 2010.

At the start of the conference call the Landlord's agent said that this tenancy has been very difficult for both the Landlord and the Tenant and he asked the Tenant if they would agree to an early end of the tenancy.

The Tenant said that they want to move out and that they would agree to move out early and end the tenancy. The Tenant said they would agree to move out on November 29, 2010.

The Landlord said they want an early end to the tenancy as indicated by their application, which is for an End Tenancy Early and to obtain an Order of Possession. The Landlord continued to say they did not agree with a move out date of November 29, 2010 and they requested an Order of Possession effective two days after service of it on the Tenants.

The Tenants said they agreed to the Order of Possession, effective 2 days after service of it on them (the Tenants). The Tenant said this had been a very difficult situation and they just want to move out.

## Analysis

Section 63 of the Act says parties can settle a dispute during the proceeding and the settlement can be recorded as a decision or an order.

### **Opportunity to settle dispute**

- 63** (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.

I find that the parties have both agreed to the tenancy ending early and the Landlord shall receive an Order of Possession that is effective 2 days after serving it upon the Tenants. The service must be done in one of the ways as prescribed by the Act under sections 88 and 89.

As the Landlords have been successful in this matter the Landlord has the right to recover the \$50.00 filing fee from the Tenant. I Order that the Landlord deduct the \$50.00 filing fee for this proceeding from the Tenant's security deposit prior to the security deposits being return to the Tenant in accordance with the Act.

## Conclusion



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An Order of Possession effective 2 days after service of it on the Tenant has been issued to the Landlord. A copy of the Orders must be served on the Tenant: the Order of Possession may be enforced in the Supreme Court of British Columbia.

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*.