



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPC, FF

Introduction

This hearing was scheduled to hear the landlords' application for an Order of Possession for cause. Both parties appeared at the hearing and confirmed service of hearing documents. Both parties were provided the opportunity to make submissions, in writing and orally, and to respond to the submissions of the other party.

At the commencement of the hearing I determined that the landlords had not provided the Residential Tenancy Branch with a copy of a valid 1 Month Notice to End Tenancy for Cause. The tenant was of the position that one was not served upon him. I refused to grant the landlord an Order of Possession for cause with such evidence. The parties then indicated that they wished to reach a mutual agreement to end the tenancy during this hearing. I permitted the parties to reach a mutual agreement and have recorded their agreement in this decision.

Issues(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

The parties agreed to the following terms to end their dispute.

1. The tenant will vacate the rental unit on or before November 19, 2010.

2. The tenant must compensate the landlord for use and occupancy up to November 19, 2010 in the amount of \$750.00 x 19/30 days.
3. Both parties will conduct themselves respectfully and appropriately with so that both parties may quietly enjoy the residential property until the tenancy ends.

Analysis

I recognize and accept the mutual agreement reached between the parties and make it an order to be binding upon both parties. In recognition of the mutual agreement I provide the landlords with an Order of Possession effective November 19, 2010. The landlords must serve the Order of Possession upon the tenant and may enforce it in The Supreme Court of British Columbia if necessary.

I also provide the landlord with a Monetary Order in the amount of \$475.00 [\$750 x 19/30 days] to serve upon the tenant and enforce in Provincial Court (Small Claims) as necessary. I make no award for the filing fee paid by the landlords.

Conclusion

The tenancy shall end November 19, 2010 by mutual agreement and the landlords have been provided an Order of Possession to be effective that date. The landlords have been provided a Monetary Order in the amount of \$475.00 to serve upon the tenant.

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: November 09, 2010.

Dispute Resolution Officer