



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      ET

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to end the tenancy early and to obtain an Order of Possession.

Service of the hearing documents, by the Landlord to the Tenant, was done in accordance with section 89 of the *Act*, posted to the Tenant's door on January 5, 2011.

The parties appeared, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

### Issue(s) to be Decided

1. Has the Tenant breached the *Residential Tenancy Act*, regulation, or tenancy agreement?
2. If so, has the Landlord met the burden of proof to end the tenancy immediately, without notice to the Tenant and obtain an Order of Possession?

### Background and Evidence

The parties entered into a fixed term tenancy agreement effective November 1, 2010 which was set to expire on June 30, 2011. Rent is payable on the first of each month in the amount of \$745.00 and the Tenant was required to pay \$745.00 towards the security deposit.

During the course of the hearing, the parties reached an agreement to settle these matters.

Analysis

The parties settled these matters on the following conditions:

1. The Landlord withdraws his application for dispute resolution; and
2. the Tenant withdraws her application for dispute resolution (the hearing scheduled for January 21, 2011 at 9:30 a.m. will be cancelled); and
3. the parties mutually agree to end the tenancy February 28, 2011 at 1:00 p.m.;
4. in support of this agreement the Landlord will be issued an Order of Possession effective February 28, 2011 at 1:00 p.m.; and
5. the Tenant agrees to pay the Landlord \$300.00 for January 1, 2011 rent, after which January 2011 rent will be considered paid in full; and
6. the Tenant agrees to pay the Landlord \$745.00 for February 1, 2011 rent no later than February 1, 2011 at 5:00 p.m.; and
7. both parties agree that the security deposit has been fully disbursed as a result of this agreement; and
8. if the Tenant fails to make the rent payments as agreed above the Landlord is at liberty to serve the monetary order that will accompany this decision in support of the settlement agreement; and
9. the Tenant agrees that no one will smoke inside the rental unit from this date forward; and
10. the Tenant agrees that no one will park a vehicle in the back lane of the rental property; and
11. the Tenant agrees that only herself and her two year old child will be residing at the rental property from this day forward; and
12. the Tenant agrees that the baby's father will not be residing at the unit from this day forward.

Conclusion

The Landlord's decision will be accompanied by an Order of Possession effective **February 28, 2011**, after service on the Tenant. This Order may be filed in Supreme Court and enforced as an order of that Court.

The Landlord's decision will be accompanied by a Monetary Order in the amount of **\$1,045.00** (\$300.00 + 745.00). This Order must be served on the Tenant and may be filed in Provincial Court and enforced as an Order of that court.

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: January 14, 2011.

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Residential Tenancy Branch