

DECISION

Dispute Codes MNDC, RPP

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- an order requiring the landlord to return the tenant's personal property pursuant to section 65.

Both parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. The landlord confirmed that she received the tenant's dispute resolution hearing package which the tenant left for her in her mailbox. I am satisfied that the tenant has served this package to the landlord.

Issues(s) to be Decided

Is the tenant entitled to a monetary award for loss arising out of this tenancy? Should an order be issued to the landlord to allow the tenant to retrieve her personal property from the rental unit?

Background and Evidence

This month-to-month tenancy commenced on November 1, 2009. Monthly rent is set at \$400.00, payable on the first of the month. The tenant said that by January 27, 2011 she has been living with a friend and is no longer living in the rental unit.

The parties agreed that the tenant has not paid rent for January or February 2011. The tenant has personal possessions she values at \$2,470.00 in the rental unit. Although she continues to have an access code which would allow her to retrieve her personal possessions, she said that she wanted to be certain that she had the landlord's permission to do so before she returned to remove her belongings from the rental unit.

The landlord testified that she had no objection to the tenant removing her belongings from the rental unit. She said that she plans to relocate her daughter to this rental unit once the tenant has vacated the rental unit. She said that she wanted the tenant to pay the outstanding rent for January 2011, but would not request any rental payment from the tenant for February 2011.

Analysis

Pursuant to Section 63 of the *Act*, the dispute resolution officer may assist the parties to 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 discussed the issues in dispute, turned their minds to compromise and reached an agreement to settle their dispute. The parties agreed to settle all matters between them on the following terms:

1. The tenant will be allowed to enter the rental premises until one o'clock in the afternoon on February 24, 2011 for the purposes of preparing the rental unit for ending her tenancy and removing her personal possessions from the rental unit.
2. The tenant will remove all of her personal possessions from the rental unit, vacate the rental unit, and end this tenancy by one o'clock in the afternoon on February 24, 2011.
3. The tenant withdrew her application for a monetary Order.
4. The tenant will pay the landlord \$400.00 in outstanding rent for January 2011.
5. The landlord will not attempt to obtain rental payments from the tenant for February 2011 or any subsequent months.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue a monetary Order in the landlord's favour in the amount of \$400.00. This monetary Order is being delivered to the landlord to be used in the event that the tenant does not fulfill the terms of the above settlement requiring her to pay \$400.00 to the landlord for unpaid rent due in January 2011.

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders before the landlord attempts to implement them. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders of that Court.