



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNC, CNL, RR, O

Introduction

This hearing was convened by way of conference call this date to deal with an application by the tenant for an order cancelling a notice to end tenancy for cause; for an order cancelling a notice to end tenancy for landlord's use of property; for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; and for an order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided.

During the course of the hearing, counsel for the landlord applied to amend the style of cause with respect to this matter, stating that the landlord is a company. The tenant did not oppose that application, and I hereby order that the style of cause be amended accordingly, and I have amended the style of cause accordingly in this Decision.

The tenant attended the conference call hearing with a person assisting. The landlord company was represented by an agent and counsel for the agent. The landlord also called a witness.

Further, during the course of the hearing, the parties agreed to settle this dispute on the following conditions:

1. The landlord will have an Order of Possession effective February 28, 2011 at 1:00 p.m.;
2. The landlord will pay the tenant \$3,000.00 within the next 10 days in full satisfaction of the tenant's claim before me and in full satisfaction of awards granted to the tenant at previous dispute resolution hearings;
3. The landlord will comply with Section 38 of the *Residential Tenancy Act* as it relates to the security deposit currently held in trust by the landlord on behalf of the tenant.

Conclusion

For the reasons set out above, I hereby grant an Order of Possession in favour of the landlord effective February 28, 2011 at 1:00 p.m.

I further order that the landlord pay to the tenant the sum of \$3,000.00 within the next 10 days in full satisfaction of the claim before me and the orders made at previous dispute resolution hearings. If the landlord fails to comply with this order, the tenant will be at liberty to apply for dispute resolution claiming that amount from the landlord.

I further order the landlord to comply with Section 38 of the *Residential Tenancy Act* as it relates to the security deposit currently held in trust by the landlord on behalf of 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: February 08, 2011.

Residential Tenancy Branch