



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPB, FF

Introduction

This matter dealt with an application by the Landlords for an Order of Possession and to recover the filing fee for this proceeding.

Issue(s) to be Decided

1. Do the Landlords have grounds to end the tenancy?

Background and Evidence

This fixed term tenancy started on June 26, 2010 and expires on July 1, 2011. Rent is \$750.00 per month payable in advance on the 1st day of each month. The Tenant paid a security deposit of \$375.00 at the beginning of the tenancy. The Landlords served the Tenant on January 11, 2011 with a One Month Notice to End Tenancy for Cause dated January 11, 2011. The grounds alleged on the Notice were as follows:

- The Tenant is repeatedly late paying rent; and
- Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.

The Landlords also served the Tenant on February 2, 2011 with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 2, 2011. The Landlords said that rent is still unpaid for February 2011. The Tenant admitted that he has not applied to cancel either of these Notices because he intends to end the tenancy at the end of February 2011.

Analysis

Section 63(2) of the Act says that "if the Parties settle their dispute during the dispute resolution proceedings, the director may record the settlement in the form of a decision or an order." During the hearing the parties agreed that the tenancy will end on February 28, 2011 at 7:00 p.m. and that the Landlords would receive an Order of Possession on those terms.

Conclusion

An Order of Possession to take effect on February 28, 2011 at 7:00 p.m. has been issued to the Landlords. A copy of the Order must be served on the Tenant and may be enforced in the Supreme Court of British Columbia. The Landlords' application to recover the filing fee for this proceeding is dismissed without leave to reapply.

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 21, 2011.

Residential Tenancy Branch