



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, CNR, FF

Introduction

This conference call hearing was convened in response to two applications for dispute resolution as follows:

By the landlord: as an application for an Order of Possession for unpaid rent or utilities; a Monetary Order for unpaid rent or utilities; and to recover the filing fee associated with his application.

By the tenant: as a cross application to cancel a Notice to End Tenancy for unpaid rent.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order, and if so for what amount?

Is the landlord entitled to recover the filing fee?

Is the tenant entitled to cancellation of the Notice to End Tenancy?

Background and Evidence

The parties submitted their respective views surrounding the dispute and undertook to achieve a resolution.

Analysis

Section 63 of the *Residential Tenancy Act* provides for the parties to resolve their dispute during the dispute resolution proceedings. Accordingly, the parties have agreed to the following:

- The tenancy will end at 1P.M. on April 30th, 2011.
- The landlord agrees to return the tenant's security deposit forthwith.
- The tenant can remain in the rental unit rent free.
- The landlord's application for a monetary order is withdrawn.
- The landlord is granted an Order of Possession effective April 30th, 2011.
- The tenant will deal with S.M. as the landlord's agent until the end of the tenancy.

Conclusion

I hereby grant the landlord an Order of Possession effective no later than 1 P.M. on Saturday, April 30th, 2011. If necessary, this Order must be served on the tenant. This Order may be filed in the Supreme Court of British Columbia 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: March 24, 2011.

Residential Tenancy Branch