



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## Decision

**Dispute Codes:** DRI, CNC, MNDC, RP, FF

### **Introduction / Background / Evidence**

This hearing was convened in response to the tenant's original application to dispute an additional rent increase / cancellation of a notice to end tenancy for cause / a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / an order instructing the landlord to make emergency repairs / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Subsequent to the tenant's filing of the application, the parties signed a "Mutual Agreement to End a Tenancy" document. Pursuant to the agreement, the tenant will vacate the unit by 11:59 p.m. on April 26, 2011. Further, the parties agreed that full rent of \$800.00 will be waived for April. In short, all aspects of the tenant's application are withdrawn, with the exception of the application to recover the \$50.00 filing fee. During the hearing, the parties agreed to share this cost evenly, such that by no later than the end of tenancy, the landlord will issue a cheque to the tenant in the amount of \$25.00.

During the hearing the parties also discussed the landlord's access to the unit / property. In this regard, section 29 of the Act speaks to **Landlord's right to enter rental unit restricted**. In part, this section provides that the landlord must give 24 hours written notice, even while parties may agree to something different between them. The parties agreed that the landlord will enter the property (not the unit) before the end of tenancy, only on April 18<sup>th</sup> (Monday), 24<sup>th</sup> (Sunday) and 25<sup>th</sup> (Monday), 2011. The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

### **Conclusion**

With the exception of recovery of the filing fee, the tenant withdraws his application. Pursuant to their agreement, I hereby ORDER the landlord to pay the tenant **\$25.00.**

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*.

**DATE:** April 18, 2011

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Residential Tenancy Branch

