



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNDC, CNR, ERP, MNR, MT, OLC, PSF, RP, RR, FF

Introduction

This was a cross-application hearing.

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, compensation for damage or loss under the Act and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The tenant applied to cancel a Notice ending tenancy for unpaid rent, more time to dispute the Notice ending tenancy, Orders the landlord make repairs and emergency repairs, compensation for damage or loss under the Act, the cost of emergency repairs, an Order that the landlord comply with the Act, that the landlord provide services required by law, that the tenant be allowed to reduce rent for repairs not provided and filing fee costs.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

Mutually Settled Agreement

During the hearing the parties agreed to the following:

- The tenant will vacate the rental unit by 1 p.m. on June 30, 2011;
- The landlord will be issued an Order of possession effective 1 p.m. on June 30, 2011;
- The tenant owes May rent in the sum of \$650.00;
- The landlord will retain the \$325.00 deposit in partial satisfaction of the claim for unpaid May, 2011, rent;
- The landlord will be issued a monetary order for the balance of unpaid rent in the sum of \$325.00;
- The tenant abandoned her claim requesting compensation in the sum of \$235.00 for rent reduction and the landlord abandoned their claim in the sum of \$200.00 for the balance owed for heating oil.

The balance of the tenant's claim did not proceed as the tenancy is ending and Orders are therefore not required. There was no evidence before me of any expenditure the tenant had made for emergency repairs.

Conclusion

The parties came to a mutually settled agreement as detailed above.

Based on the mutual agreement of the parties the landlord has been granted an Order of possession that is effective no earlier than 1 p.m. on June 30, 2011. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Based on the mutual agreement of the parties I grant the landlord a monetary Order in the sum of \$325.00 as compensation for the balance of May, 2011, rent owed. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court 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: June 15, 2011.

Residential Tenancy Branch