



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

OPC, FF

### Introduction

The hearing was scheduled in response to cross applications.

The Landlord filed an Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Cause and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

The Tenant filed an Application for Dispute Resolution, in which the Tenant has made application to set aside a Notice to End Tenancy for Cause and for more time to make her application to set aside that Notice.

Both parties were represented at the hearing.

### Issue(s) to be Decided

The issues to be decided are whether the Notice to End Tenancy should be set aside, whether the Landlord is entitled to an Order of Possession, and whether the Landlord is entitled to recover the fee for filing the Application for Dispute Resolution, pursuant to sections 47(4), 55 and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

After considerable discussion the parties mutually agreed to resolve this dispute under the following terms:

- The Tenant will vacate the rental unit by 1:00 p.m. on September 22, 2011
- The Tenant will leave the rental unit undamaged and in clean condition
- The Tenant agrees that the Landlord can retain the security deposit in lieu of full rent for September, which is compensation in addition to the \$425.00 the Tenant has paid for September.

Conclusion

On the basis of the aforementioned settlement agreement, I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on September 22, 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.

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: September 13, 2011.

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Residential Tenancy Branch