

## **DECISION**

Dispute Codes      OPL, MNR, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for landlord's use of the property pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. The tenant confirmed that the landlord handed him the 2 Month Notice for Landlord's Use of Property (the 2 Month Notice) on June 18, 2011. The tenant confirmed that the landlord handed him a copy of the landlord's dispute resolution hearing package on September 9, 2011. I am satisfied that the landlord served these documents in accordance with the *Act*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for landlord's use of the property? Is the landlord entitled to a monetary award for unpaid rent? Is the landlord entitled to recover the filing fee for this application from the tenant?

### Background and Evidence

This periodic tenancy commenced on July 1, 2008. Monthly rent is set at \$300.00, payable in advance on the first of each month. No security deposit was paid or is held by the landlord.

The landlord applied for an Order of Possession as he intends to move his son into the rental unit. The landlord also applied for a monetary award of \$900.00 for unpaid rent for three months (i.e., July, September and October 2011). The landlord testified that he allowed the tenant to stay in the rental premises rent-free during August 2011 in compliance with his issuance of the 2 Month Notice to the tenant.

### Analysis

Pursuant to section 63 of the *Act*, the dispute resolution officer may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing the parties discussed the issues between them, engaged in a

conversation, turned their minds to compromise and achieved a resolution of their dispute.

The parties agreed to resolve their dispute on the following terms:

1. The parties agreed that this tenancy will end by 1:00 p.m. on October 9, 2011.
2. The landlord agreed to withdraw his application for a monetary award.
3. The tenant agreed that the landlord did not charge rent for August 2011 and as such the tenant agreed that he is not entitled to any further compensation for the landlord's issuance of the 2 Month Notice.
4. The parties agreed that the above terms constitute a final resolution of all outstanding issues in dispute between the parties.

### Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession to be used by the landlord if the tenant does not vacate the rental premises in accordance with their agreement. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlord's application for a monetary award is withdrawn. The landlord bears responsibility for his filing fee for this application.

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*.