



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPQ, FF

Introduction,

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on August 01, 2009. On August 31, 2011, the tenant served the landlord with a one month notice to end tenancy, with an effective date of September 30, 2011. The tenant's spouse and children moved out, but due to problems with funding for moving expenses, the tenant was unable to remove his belongings from the rental unit.

The circumstances surrounding these events were discussed at length. During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties 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 this hearing, the parties reached an agreement to settle their dispute. Specifically, both parties agreed to the following:

- The tenant agreed to move out on or before **1:00 p.m. on November 07, 2011**.
- The landlord agreed to allow the tenancy to continue up to November 07, 2011. An order of possession will be issued to the landlord effective this date.
- Both parties stated that they understood and agreed that the above terms comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

I find that the landlord is entitled to the recovery of his filing fee and may retain **\$50.00** from the security deposit.

Pursuant to section 55(2) I am issuing a formal order of possession effective on or before **1:00 p. m. on November 07, 2011**. The Order may be filed in the Supreme Court for enforcement.

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: November 01, 2011.

Residential Tenancy Branch