



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, and FF

This application was brought by the landlord on March 8, 2012 seeking an Order of Possession pursuant to a Notice to End Tenancy for unpaid rent served on March 2, 2012. The landlord also sought a Monetary Order for unpaid rent and recovery of the filing fee for this proceeding.

However, at the commencement of the hearing, the parties advised that the landlord had served a Notice to End Tenancy for landlord use on February 6, 2012 which had set an end of tenancy date of April 6, 2012. As the tenants intended to honour that Notice, they believed they were entitled to withhold the March rent.

Issue(s) to be Decided

This application require a decision on whether the landlord is entitled to an Order of Possession and a Monetary Order as requested.

Background and Evidence

According to the tenants, this tenancy began on October 15, 2010 and was underway when the present landlord took possession of the rental property. Rent is \$850 per month and the landlord holds a security deposit of \$425 paid at the beginning of the tenancy.

At the commencement of the hearing, the parties advised that the landlord had served a Notice to End Tenancy for landlord use on February 6, 2012 which had set an end of tenancy date of April 6, 2012. As the tenants intended to honour that Notice, they believed they were entitled to withhold the March rent.

The landlord stated that she had believed that the Notice to End Tenancy for landlord use had been nullified because it had not been served on the prescribed form. However, as the tenants have agreed to honour that notice, the parties were able to arrive at the following agreement:

Consent Agreement

1. The tenants agree that they will vacate the rental unit on April 6, 2012 in compliance with the intent of the faulty Notice to End Tenancy for landlord use;
2. The landlord agrees that the tenants are entitled to the equivalent of one-month's rent in compensation as prescribed by section 51(1) of the *Act*;
3. The parties agree that the landlord will be issued with an Order of Possession to take effect at 1 p.m. on April 6, 2012.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect at 1 p.m. on April 6, 2012.

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: March 27, 2012.

Residential Tenancy Branch