



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

This matter proceeded by way of a conference call hearing, pursuant to the *Residential Tenancy Act* (the “Act”), and dealt with an Application for Dispute Resolution by the Landlord. The Landlord’s Application requested an order of possession and a monetary order for unpaid rent.

Both parties participated in the conference call hearing and were given full opportunity to be heard, to present evidence and to make submissions.

Preliminary Matter(s)

The Landlord made an Application for dispute resolution on February 21, 2012 for a monetary order for \$700.00 outstanding rent for February 2012 and for an order of possession. The Landlord subsequently amended their application as the February rent was paid late, as a result the only remaining issue was the order of possession. The Landlord’s application proceeded by Direct Request, and no hearing was required. A decision on the Landlord’s application was issued on February 29, 2012 and an order of possession was granted and the Tenants were required to move out within two days of being served with the order of possession.

The Tenants applied for Review Consideration and provided evidence and information to our office. The Review Consideration decision of March 08, 2012 suspended the decision and order of possession of February 29, 2012, until the Review hearing has been completed. A hearing was granted for March 26, 2012.

At the hearing the Landlord raised the issue of the March 2012 rent not being paid. As the Landlord has not made an application on this issue and the primary issue to deal with at the scheduled hearing is the Landlord’s application of February 21, 2012 and the order of possession, I declined to amend the Landlord’s application. The Landlord is at liberty to apply for a new application for any subsequent amounts owing by the Tenants.

At the Review hearing the Parties confirmed the evidence and documents exchanged prior to the hearing. The Tenants confirmed receipt of all of the documents submitted to our office by the Landlord. The Landlord stated that the Tenants had served him with a

copy of the Review Consideration decision and the Notice of Hearing. The Landlord raised the issue that the Tenants had not submitted copies of a Notice to End Tenancy and rent receipt to the Landlord which they had submitted for their Review Consideration, which are referenced in the Review Consideration decision. The Tenants confirmed that they had not sent copies of these to the Landlord. The Tenants also stated that the Notice to End Tenancy and rent receipt documents they sent in for their Review Consideration are significantly different than the ones in the Landlord's evidence they received and are documents important to their case. The Tenants testified that they have the original documents with the Landlord's original signature in their possession. I offered the Tenants the opportunity to provide our office with the originals and serve a copy of the Landlord for his written response before I reach a decision. The Tenants declined my offer and instead both Tenants wished to reach an agreement to mutually end the tenancy with the Landlord.

Settlement Agreement

During the course of the hearing, the parties reached an agreement, pursuant to section 63 of the Act, to settle the issues raised in the Landlord's Application of February 21, 2012. The parties agreed to the following conditions:

1. The Tenants agree to vacate the rental unit no later than 1:00 P.M. on March 31, 2012 and end the tenancy.
2. The Landlord is entitled to an order of possession on the rental unit effective 1:00 P.M. March 31, 2012 and the tenancy will end.

I grant the Landlord an order of possession, effective 1:00 P.M. March 31, 2012. If the Landlord serves the order of possession on the Tenants and the Tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The February 29, 2012 decision and order in this matter are hereby set aside and replaced by my decision, settlement agreement, and order of this date.

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 26, 2012.

Residential Tenancy Branch