



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPC, MNDC, MND, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession for Cause - Section 55;
2. A Monetary Order for damages to unit - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

Both parties attended the hearing and were given opportunity to discuss their dispute, present all relevant evidence and testimony in respect to the claims and to make relevant prior submission to the hearing and fully participate in the conference call hearing. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

During the course of the hearing, the parties reached agreement to settle the viability of the tenancy, on the following conditions:

1. the tenant and landlord agree that the tenant will vacate no later than **May 31, 2012 and the tenancy will end.**
2. The tenant and landlord agree that the landlord will receive an **Order of Possession effective on May 31, 2012.**
3. The tenant and landlord agree that they will mutually conduct a **move out inspection** at the end of the tenancy and complete a condition inspection report and attempt to resolve any agreed deficiencies in the rental unit.

Regarding the landlord's claims for a monetary order for damages to the unit, I find this claim to be premature given that the tenant has not yet vacated. Therefore, **I dismiss** this portions of the landlord's application with leave to reapply. As the landlord was partly successful in their application I award the landlord recovery of the filing fee of **\$50.00** for the cost of this application.

Conclusion

I grant the landlord an **Order of Possession**, effective on or before **May 31, 2012**. The tenant must be given the Order of Possession. If the landlord serves the Order of Possession on the tenant and the tenant fails 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.

I Order that the landlord **may deduct \$50.00** from the tenant's security deposit, in respect to the filing fee.

This decision and settlement agreement is final and binding on both parties.

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: May 23, 2012

Residential Tenancy Branch