



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPL, LRE, FF*

Introduction,

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*.

The landlord applied for an order of possession and for a monetary order and the filing fee. The tenant applied for an order to set conditions on the landlord's right to enter the rental unit and for a monetary order to recover 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?

Background and Evidence

This month to month tenancy started on February 01, 2009. The monthly rent is \$535.00 payable on the first of the month and prior to moving in the tenant paid a security deposit of \$250.00. The landlord stated that on February 15, 2012 he served the tenant with a two month notice to end tenancy for landlord's use of property. The tenant stated that he received the notice on April 16 along with the notice of hearing. Even though the parties offered contradictory testimony, the date is not relevant because the tenant did not dispute the notice to end tenancy.

The landlord also testified that the tenant lived rent free for the month of April but the tenant denied this and stated he paid rent on April 01, 2012.

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 May 31, 2012. An order of possession will be issued to the landlord effective this date. Rent for May 2012 will be paid in full to the landlord.
- The landlord agreed to allow the tenancy to continue until May 31, 2012.

Both parties stated that they understood and agreed that these particulars comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

I grant the landlord an order of possession effective on or before **1:00 p. m. on May 31, 2012.**

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the requests of both parties to recover the filing fee paid for this application. Both parties must bear the cost of filing their own applications.

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 03, 2012.

Residential Tenancy Branch