



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MT, CNC, MNDC, OLC, RP, LRE, LAT, FF

Introduction

This hearing concerns the tenant's application for more time to make an application to cancel a notice to end tenancy / cancellation of a notice to end tenancy for cause / a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / an order instructing the landlord to make repairs to the unit, site or property / an order suspending or setting conditions on the landlord's right to enter the rental unit / permission for the tenant to change the locks to the rental unit / and recovery of the filing fee.

Both parties participated in the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the tenant is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, it is understood that the tenancy began somewhere between 4 and 5 years ago, and that at the start of tenancy a security deposit of \$400.00 was collected. Currently, monthly rent is \$820.00, and it is due and payable in advance on the first day of each month.

The landlord issued a 1 month notice to end tenancy for cause dated April 16, 2012, a copy of which is not in evidence. The notice was served by way of posting on the tenant's door on that same date. The parties agree that the date shown on the notice by when the tenant must vacate the unit is May 31, 2012, and that the reason shown on the notice for its issuance is as follows:

Rental unit / site must be vacated to comply with government order

The tenant filed an application to dispute the notice on April 26, 2012, which is within the 10 day time limit available for doing so after service. In the result, there is no requirement that the tenant apply for more time to make an application to cancel a notice to end tenancy.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 63 of the Act speaks to **Opportunity to settle dispute**, and provides that parties may attempt to resolve a dispute during a hearing. Pursuant to this provision, discussion led to a resolution, and specifically it was agreed as follows:

RECORD OF SETTLEMENT

- that the tenant will vacate the unit by no later than June 30, 2012, and that an order of possession will be issued in favour of the landlord to that effect;
- that the landlord waives payment of rent for the month of June 2012;
- that at the end of tenancy, the landlord will pay the tenant \$225.00, and that a monetary order will be issued in favour of the tenant to that effect;
- that the above payment is comprised of \$200.00 in consideration of challenges and costs associated with moving, and \$25.00 which represents one half of the \$50.00 filing fee paid by the tenant;
- that the parties will undertake to resolve between them the disposition of the security deposit at the end of tenancy;
- that the above particulars comprise full and final settlement for both parties of all issues in dispute which are currently before me.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Saturday, June 30, 2012**. This order must be served on the tenant. Should the tenant 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenant in the amount of **\$225.00**. Should it be necessary, this order may be served on the landlord, filed in the Small Claims Court and enforced as an order of that Court.

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 16, 2012.

Residential Tenancy Branch