



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, MNDC, FF

Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenant has applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, requested compensation for damage or loss and return of the filing fee costs.

At the start of the hearing the tenant provided affirmed testimony that he sent the landlord the Notice of hearing package by regular mail.

While I was making a determination in relation to service, the landlord entered the conference call hearing. The landlord provided affirmed testimony that he had contacted the Residential Tenancy Branch sometime last week, while making his own application and was informed of the hearing today. The landlord was provided with the hearing conference call dialing instructions. The landlord stated he has not received a copy of the tenant's application or any evidence.

The landlord immediately requested an Order of possession. I determined that the landlord had been sufficiently served with Notice of the hearing, in relation to the portion of the application related to the Notice to End Tenancy.

The tenant indicated several matters of dispute on his application. For disputes to be combined on an application they must be related. Not all the claims on this application were sufficiently related to the main issue to be dealt with together. Therefore, I dealt with the tenant's request to set aside or cancel the Notice to End Tenancy for Unpaid Rent and I dismissed the balance of the tenant's claim with liberty to re-apply.

Mutual Agreement – End Tenancy

During the hearing the landlord and tenant reached a mutual agreement that the tenant will vacate the rental unit by 1 p.m. on July 19, 2012.

The parties agreed that the landlord would be issued an Order of possession effective at 1 p.m. on July 19, 2012.

Based on the mutual agreement of the parties I Order that the tenant vacate the unit and I have issued the Order of possession for the agreed upon date; July 19, 2012, at 1 p.m.

Conclusion

The parties reached mutual agreement to end the tenancy by 1 p.m. on July 19, 2012.

The landlord has been granted an Order of possession that is effective **at 1 p.m. on July 19, 2012**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

The balance of the tenant's application is dismissed with leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: July 17, 2012.

Residential Tenancy Branch