



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OLC, LRE, FF

Introduction

This hearing dealt with an application by the tenant for an order directing the landlord to comply with the *Act* to set conditions on the landlord's right to enter the rental unit. The tenant also applied for the recovery of the filing fee. Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Is the tenant entitled to the order that he has applied for? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

On July 27, 2012, the tenant gave the landlord written notice to end the tenancy effective August 31, 2012, with a request that he be given at least 24 hours notice if the landlord wants to show the unit to prospective tenants. The landlord agreed to the move out date of August 31, 2012 and also agreed to provide at least 24 hours notice to enter the rental unit.

However, the landlord stated that the tenant owed rent for August and the tenant stated that he had already paid rent. The landlord has issued a ten day notice to end tenancy on August 03, 2012. An attempt was made to resolve the monetary portion of this dispute, but was unsuccessful. I informed the landlord that he needed to make his own application for dispute resolution if he wanted to obtain a monetary order for unpaid rent. The landlord requested an order of possession and the tenant did agreed to it on condition that the effective date was August 31, 2012 instead of the effective date of the ten day notice to end tenancy.

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. Both parties agreed to the following terms:

1. The tenant agreed to move out on or before 1:00p.m. on August 31, 2012.
2. The landlord agreed to allow the tenancy to continue until August 31, 2012.
3. The landlord will be issued an order of possession effective August 31, 2012.
4. The landlord agreed to provide at least 24 hours notice prior to entering the rental unit
5. 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.

Pursuant to the above agreement, I grant the landlord an order of possession effective on or before 1:00pm on August 31, 2012. 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.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the tenant's request to recover the filing fee paid for this application

Conclusion

I grant the landlord an order of possession effective on or before 1:00pm on August 31, 2012.

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: August 10, 2012.

Residential Tenancy Branch