



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, CNR, MNR, MNSD, 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 for unpaid rent and the filing fee. The landlord also applied to retain the security deposit. The tenant applied for an order to cancel the notice to end tenancy 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 or should the notice be set aside? Is the landlord entitled to a monetary order for unpaid rent and to retain the security deposit in partial satisfaction of her monetary claim? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started in March 2011. The monthly rent is \$830.00 and prior to moving in the tenant paid a security deposit of \$200.00. The tenant did maintenance work for the landlord towards rent. Both parties disagreed on the amount of rent due after compensation for work done by the tenant was deducted. On August 09, 2012 the landlord served the tenant with a ten day notice to end tenancy for \$1,000.00 in unpaid rent.

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 two days after the landlord served him the order of possession.
- An order of possession will be granted to the landlord effective two days after service on the tenant.
- The landlord agreed to accept the security deposit in full and final settlement of all monetary claims against the tenant.
- Both parties 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 two days after service on the tenant. 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: August 28, 2012.

Residential Tenancy Branch