



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET, FF

### Introduction

This hearing dealt with a landlord's application for an early end of tenancy and Order of Possession. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Although the landlord sent the hearing documents to the tenant September 11, 2012 via registered mail, the tenant indicated she did not receive them until September 17, 2012 because she does not regularly check the mailbox. As such, the tenant stated she had not had enough time to gather evidence. I found the tenant sufficiently served with the hearing documents and I informed the tenant that she would be given the opportunity to provide her evidence verbally during the hearing.

After hearing from both parties the parties reached a mutual agreement that I have recorded in this decision.

### Issue(s) to be Decided

What are the terms of the mutual agreement?

### Background and Evidence

The parties mutually agreed to the following:

1. The tenancy shall end September 30, 2012 at which time the tenant shall return vacant possession of the rental unit to the landlord.
2. The landlord is authorized to retain the tenant's security deposit in partial satisfaction of the rent owed for the month of September 2012.
3. The tenant shall pay the landlord, or the landlord's designated agent, \$250.00 on September 25, 2012.
4. Upon receipt of the payment described above, the landlord, or his designated agent, shall immediately provide the tenant a receipt.

5. The tenant shall leave the rental unit reasonably clean.

### Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record a settlement agreement in the form of a decision or order. I have accepted and recorded the settlement agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

Pursuant to the mutual agreement I provide the landlord with an Order of Possession effective at 1:00 p.m. on September 30, 2012 to serve upon the tenant and enforce as necessary.

For further certainty I authorize the landlord to retain the tenant's security deposit in partial satisfaction of rent owed by the tenant for the month of September 2012. I also provide the landlord with a Monetary Order for the remainder of the outstanding rent in the amount of \$250.00 to ensure payment is made in accordance with the mutual agreement.

### Conclusion

This dispute has been resolved by way of a mutual agreement. The terms of the mutual agreement are recorded in this decision. The tenancy shall end and the landlord is provided an Order of Possession effective at 1:00 p.m. on September 30, 2012. The landlord is authorized to retain the tenant's security deposit and the landlord has been provided a Monetary Order for the balance of \$250.00.

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: September 19, 2012.

---

Residential Tenancy Branch