



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for cause pursuant to section 55; and
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to cross-examine one another. The tenant confirmed that he was handed the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) on September 30, 2012. The tenant also confirmed that he was handed a copy of the landlord's dispute resolution hearing package by the landlord's roommate on October 26, 2012. I am satisfied that the landlord served these documents to the tenant in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for cause? Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

This tenancy for a basement room in the landlord's house commenced on or about February 1, 2012. Although no written tenancy agreement was created, the parties agreed that their oral agreement required the tenant to pay \$375.00 in monthly rent, payable in advance on the first of each month. There is no pet damage or security deposit for this tenancy.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to 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 the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to resolve the issues identified in the landlord's application for dispute resolution under the following terms:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on December 6, 2012, by which time the tenant will have vacated the rental premises.
2. Both parties agreed that this settlement agreement constituted a final and binding resolution of the landlord's application for dispute resolution.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession to be used by the landlord if the tenant does not vacate the rental premises in accordance with their agreement by 1:00 p.m. on December 6, 2012. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: December 03, 2012

Residential Tenancy Branch