



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, FF

Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause and to recover the fee for filing the Application for Dispute Resolution.

Both parties were represented at the hearing.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside and is the Tenant entitled to recover the fee for filing this Application for Dispute Resolution?

Background and Evidence

The Landlord and the Tenant mutually agreed to resolve this dispute under the following terms:

- The tenancy will end on December 15, 2012
- The Landlord will refund the equivalent of ½ of the rent paid for December, in the amount of \$525.00
- The Landlord will pay \$25.00 to the Tenant, which is ½ of the fee paid to file the Application for Dispute Resolution
- The aforementioned \$550.00 will be paid to the Tenant on December 15, 2012
- The Tenant will receive a monetary Order, in the amount of \$550.00, which is only enforceable if the Landlord does not pay the aforementioned \$550.00
- The Landlord will receive an Order of Possession which is effective December 15, 2012.

Conclusion

On the basis of the settlement agreement, I grant the Tenant a monetary Order in the amount of \$550.00. In the event that the Landlord does not voluntarily comply with this Order, it may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

On the basis of the settlement agreement, I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on December 15, 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.

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 10, 2012.

Residential Tenancy Branch