



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION and RECORD OF SETTLEMENT

Dispute Codes O, OPR, OPB, MNR, MNSD, FF

This hearing dealt with an application by the tenant for an order extending the effective date of a mutual agreement to end tenancy and a cross-application by the landlord for an order of possession and a monetary order.

At the hearing, the parties were able to come to an agreement on all issues except for the question of whether the landlord was entitled to recover the filing fee.

The parties agreed on the following:

- The landlord is entitled to an order of possession effective February 8, 2013 at 1:00 p.m.;
- The landlord may change the locks on the rental unit at 1:00 p.m. on February 8, 2013;
- The tenants will pay the landlord the following amounts:
 - \$534.00 for rent for December 2012;
 - \$304.00 for rent for January 2013;
 - \$152.56 for prorated rent for February 1-8, 2013 (at a rate of \$19.07 per day)
 - \$227.98 for hydro charges.

The parties left the issue of the filing fee in my hands. I find that the landlord is entitled to recover the filing fee as the parties were unable to come to an agreement prior to the hearing and I therefore award the landlord \$50.00.

In support of the agreement of the parties, I grant the landlord an order of possession effective on February 8, 2013. If the tenants fail to comply with the order, it may be filed in the Supreme Court and enforced as an order of that Court.

The tenant has agreed to pay a total of \$1,218.54 and I have awarded the landlord a further \$50.00 for a total entitlement of \$1,268.54. I order the landlord to retain the \$320.00 security deposit and in further support of the agreement of the parties and to give effect to the award of the filing fee to the landlord, I grant the landlord a monetary

order under section 67 for the balance of \$948.54. This order may be filed in the Small Claims Division of the Provincial Court 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: February 07, 2013

Residential Tenancy Branch

