



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET, FF

Introduction

This hearing was scheduled in response to the landlord's application for an early end to tenancy / an order of possession / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began on or about September 1, 2012. Monthly rent of \$1,150.00 is due and payable in advance on the first day of each month, and a security deposit of \$545.00 was collected.

The landlord issued a 1 month notice to end tenancy for cause and the tenants subsequently filed an application to dispute the notice. Further to today's hearing, in response to the tenants' application a hearing has been scheduled to commence at 1:00 p.m., Thursday, February 28, 2013 (file # 804722).

During today's hearing the parties undertook to resolve all issues in dispute.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 63 of the Act speaks to the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties led to a resolution. Specifically, it was agreed as follows:

RECORD OF SETTLEMENT

- that **rent due for February 2013** will be limited to **\$500.00**, and that a **monetary order** will be issued in favour of the landlord to that effect;
- that the tenants will pay February's rent directly to the Agent of Vancouver Eviction Services on **Wednesday, February 13, 2013 at 1:00 p.m.**, at which time the Agent will attend the unit;
- that the above payment will take the form of a government issued cheque in the amount of \$375.00, in addition to cash in the amount of \$125.00;
- that a **receipt** will be issued in exchange for the above payment;
- that an **order of possession** will be issued in favour of the landlord to be effective no later than **two (2) days** after service on the tenants;
- that the order of possession will be served on the tenants, requiring that they vacate the unit no later than **Friday, March 1, 2013**, *so long as the rent payment takes place as agreed to by the parties and as set out above*;
- that *should payment of rent not take place as agreed to by the parties and as set out above*, the landlord may **immediately** serve the order of possession on the tenants, requiring that they vacate the unit no later than two (2) days after service of the order;
- that the landlord **withdraws** the application to recover the **\$50.00** filing fee;
- that the **hearing** scheduled to commence by way of telephone conference call at 1:00 p.m., Thursday, February 28, 2013 (file # 804722) is hereby **cancelled**.

As to the disposition of the security deposit when tenancy ends, the attention of the parties is drawn to section 38 of the Act which speaks to **Return of security deposit and pet damage deposit**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenants. This order must be served on the tenants.

Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$500.00**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims 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 08, 2013

Residential Tenancy Branch

