



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR OPC MND FF
CNE

Preliminary Issues

In the course of this proceeding and upon review of the Landlord's application, I have determined that I will not deal with all the dispute issues the Landlord has placed on their application. For disputes to be combined on an application they must be related. Not all the claims on this application are sufficiently related to the main issue of obtaining an Order of Possession and therefore cannot be dealt with together in this application. Furthermore, the Tenant is still occupying the rental unit and a claim for damages cannot be fully determined until the Tenant has vacated the unit. Accordingly, I dismiss the Landlord's claim for damages, with leave to reapply.

The Landlord has filed seeking Orders of possession for cause and because the Tenant's employment has ended. The Landlord served the Tenant a 1 Month Notice to end tenancy due to end of employment and did not serve a notice to end tenancy for cause. Therefore, the Landlord stated she wanted to withdraw her request for an Order of Possession for cause.

The Tenant has filed his application requesting to cancel a notice to end tenancy for cause however the reasons provided on the 1 Month Notice issued January 6, 2013 were for end of employment and not for cause. I find the 1 Month notice document to be very confusing as it combines notices for cause and end of employment and has two titles. After discussions with both parties I confirmed that they were both of the understanding that they were here to determine the outcome of the 1 Month Notice issued to end employment. Therefore, I amended the Tenant's application to read request to end tenancy issued for end of employment, pursuant to section 64 (3)(c) of the *Act*.

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the Landlord and the Tenant.

The Landlord filed on January 30, 2013, to obtain an Order of Possession because the Tenant's employment has ended and to recover the cost of the filing fee for her application.

The Tenant filed on January 9, 2013, to cancel a 1 Month Notice to end tenancy issued for end of his employment.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other and gave affirmed testimony. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however each declined and acknowledged that they understood how the conference would proceed.

During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

Have the parties mutually agreed to end this tenancy?

Background and Evidence

The parties confirmed they entered into an agreement where the Tenant would occupy the manufactured home as of July 15, 2013 for reduced rent of \$300.00 per month if he did some odd jobs for the Landlord. No security deposit was paid.

During the course of this proceeding the parties agreed to settle these matters.

Analysis

The parties mutually agreed to settle these matters on the following terms:

- 1) Each party agreed to withdraw their application for dispute resolution; and
- 2) The parties mutually agreed to end the tenancy effective March 1, 2013, at 12:00 noon; and
- 3) The Tenant will return vacant possession to the Landlord at that time.

Conclusion

The parties have agreed to settle this matter. The Landlord has been issued an Order of Possession effective March 1, 2013, in support of the settlement agreement. This Order is legally binding and must be served upon the Tenant by the Landlord.

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 28, 2013

Residential Tenancy Branch

