



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL MNDC OLC RR FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on March 7, 2013, and amended on March 15, 2013, by the Tenant, to obtain the following:

- An Order to cancel a notice to end tenancy issued for landlord's use;
- A Monetary Order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement in the amount of \$7,000.00;
- An Order to have the Landlord comply with the Act, regulation, or tenancy agreement;
- An Order to allow the Tenant reduced rent for repairs, services or facilities agreed upon but not provided; and
- Recover the cost of the filing fee from the Landlord for this application.

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 agreed to settle this matter?

Background and Evidence

The parties confirmed that the Tenant entered into a fixed term tenancy agreement that began on May 1, 2010 and switched to a month to month tenancy after one year. Rent was initially payable on the first of each month in the amount of \$895.00 and has since

increased to \$955.00 per month plus \$40.00 for parking. On April 22, 2010 the Tenant paid \$447.50 as the security deposit plus \$447.50 as the pet deposit.

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

Analysis

The parties agreed to settle this matter on the following terms:

- (1) The Tenant agrees to withdraw his application in support of this agreement;
- (2) The parties mutually agree to end this tenancy effective **June 30, 2013, at 1:00 p.m.**;
- (3) The Landlord will pay the Tenant **\$1,555.00** no later than **May 30, 2013, at 1:00 p.m.** which is comprised of the 1 month compensation equal to one month's rent (\$955.00) for issuing the 2 Month Notice plus (\$600.00) for damages and all costs of moving;
- (4) The Landlord will disburse the \$447.50 security deposit and \$447.50 pet deposit on June 30, 2013 in accordance with section 38 of the Act;
- (5) The Tenant agrees to pay the June 1, 2013 rent and parking in full no later than June 1, 2013.

In support of this agreement the Landlord will be issued an Order of Possession and the Tenant will be issued a Monetary Order.

Conclusion

The Landlord has been issued an Order of Possession effective June 30, 2013, at 1:00 p.m. after service upon the Tenant.

The Tenant has been awarded a Monetary Order in the amount of **\$1,555.00** (\$955.00 + \$600.00). This Order is legally binding and must be served upon 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: April 04, 2013

Residential Tenancy Branch