



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

For the landlord: OPR MNR MNDC FF
For the tenant: MT CNR MNDC RR

Introduction

This hearing was convened as a result of the cross applications of the parties for dispute resolution under the *Residential Tenancy Act* (the “Act”).

The landlord applied for a an order of possession for unpaid rent or utilities, for a monetary order for unpaid rent or utilities, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the filing fee.

The tenant applied for more time to cancel a Notice to End Tenancy, to cancel a Notice to End Tenancy for Unpaid Rent or Utilities, for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and for authorization to reduce rent for repairs, services or facilities agreed upon but not provided.

The tenant, an advocate for the tenant, the daughter of the tenant, two witnesses for the tenant, the landlord, the daughter of the landlord, and an agent for the landlord attended the hearing. The hearing process was explained to the parties and an opportunity was given to ask questions about the hearing process. Thereafter the parties gave affirmed testimony, were provided the opportunity to present their relevant evidence orally and in documentary form prior to the hearing, and make submissions to me.

Preliminary and Procedural Matters

At the outset of the hearing, the tenant and her advocate indicated that the tenant has located a new residence so was planning on moving as a result. Consequently, the tenant requested to withdraw her application in full. As a result, the tenant is at liberty to

reapply, however, withdrawing her application in full does not extend any timelines under the *Act*.

The landlord requested to withdraw the monetary portion of their claim and proceed with their request for an order of possession only. As a result, the landlord is at liberty to reply for their monetary claim, however, by withdrawing the monetary portion of their claim does not extend any timelines under the *Act*.

The hearing continued with consideration of the landlord's request for an order of possession and their filing fee.

Settlement Agreement

During the hearing, the parties agreed to settle the matter related to possession of the rental unit and the landlord's filing fee, on the following conditions:

1. The parties agree that the tenant will vacate the rental unit no later than **April 30, 2013 at 1:00 p.m.**
2. Pursuant to #1 above, the landlord is granted an order of possession effective **April 30, 2013 at 1:00 p.m.** which must be served on the tenant and may be enforced through the Supreme Court of BC.
3. The tenant agrees to pay half of the landlord's \$100.00 filing fee in the amount of **\$50.00.**
4. Pursuant to #3 above, the landlord is granted a monetary order pursuant to section 67 of the *Act* in the amount of **\$50.00.** This order must be served on the tenant and may be enforced through the Provincial Court of BC.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

I order the parties to comply with the terms of their settled agreement described above.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 10, 2013

Residential Tenancy Branch

