



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, MNDC, OLC, FF

Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a notice to end tenancy for unpaid rent / a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / and recovery of the filing fee. Both parties attended and / or were represented and gave affirmed testimony.

Issue(s) to be Decided

Whether the tenant is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The unit which is the subject of this dispute is situated in the upstairs portion of a two storey building, beneath which is located an animal hospital. There is no written tenancy agreement in evidence with respect to the residency which began approximately midway through 2009. In summary, accommodation appears to have been provided in exchange for maintenance / renovation services.

It appears that the parties had a conversation on June 8, 2012, pursuant to which the landlord asked the tenant to vacate the unit by not later than September 30, 2012. Thereafter, more formally by letter dated July 28, 2012, the landlord gave the tenant notice to vacate the unit by September 30, 2012.

However, the tenant continued to reside in the unit and by letter dated March 27, 2013, legal counsel representing the landlord informed the tenant, in part, that "the employment has ended." Further, in his letter legal counsel informed the tenant that "renovations done as of October 2012 were and continue to remain unauthorized." Enclosed with this letter the landlord's agent issued a 10 day notice to end tenancy for

unpaid rent, which is also dated March 27, 2013. By way of process server, legal counsel's letter and the notice were served in-person on April 2, 2013. The date shown on the notice by when the tenant must vacate the unit is April 19, 2013, and the amount of rent showing on the notice as unpaid when due on April 1, 2013 totals \$3,150.00.

Further to seeking to have the 10 day notice set aside, and obtaining an order instructing the landlord to comply with the Act, Regulation or tenancy agreement, in his application the tenant seeks compensation in the amount of \$5,000.00, including recovery of the filing fee.

During the hearing the parties exchanged proposals / counter proposals for resolving the dispute between them.

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 undertake to settle their dispute during a hearing. Pursuant to this provision, the parties achieved a resolution and it was specifically agreed as follows:

RECORD OF SETTLEMENT

- that the **tenant withdraws** all aspects of his application;
- that the **landlord seeks no compensation for rent**, either with respect to any period of tenancy from the date when tenancy began to the present, or from this date forward until the end of tenancy;
- that tenancy will end by not later than **1:00 p.m., Saturday, August 31, 2013**, and that an **order of possession** will be issued in favour of the landlord to that effect;
- that in the event the tenant finds suitable alternate accommodation before August 31, 2013, the tenant will give **written notice to end tenancy** as far in advance as reasonably possible; and

- that there is no expectation the tenant will otherwise keep the landlord formally apprised of steps taken and progress made in finding suitable alternate accommodation.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Saturday, August 31, 2013**. This order must be served on the tenant.

Should the tenant 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.

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: May 06, 2013

Residential Tenancy Branch

