



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, FF

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application to set aside a Notice to End Tenancy for Unpaid Rent and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing.

Issue(s) to be Decided

Should the Notice to End Tenancy for Unpaid Rent, served pursuant to section 46 of the *Residential Tenancy Act (Act)*, be set aside?

Background and Evidence

At the outset of the hearing the Landlord and the Tenant mutually agreed to settle the Tenant's Application for Dispute Resolution under the following terms:

- The parties mutually agree to end the tenancy on June 28, 2013
- The Landlord will be granted an Order of Possession that is effective on June 28, 2013 at 1:00 p.m.

After reaching this mutual agreement, the female Landlord informed me that they had filed a cross application that was scheduled to be heard during these proceedings. The Landlord's Application for Dispute Resolution did not appear on my hearing schedule and I did not have the Landlord's Application for Dispute Resolution available to me at the time of this hearing. As I did not have all the documents relating to the Landlord's claims available to me at the time of this hearing and the urgent issue of possession of the rental unit had been settled, I determined that the two matters should be severed. The Landlord's Application for Dispute Resolution will be determined at a hearing to be convened at a later date. The parties were advised that the Residential Tenancy Branch will send a Notice of Hearing to the mailing address they have provided with

their Applications for Dispute Resolution. In the event either party changes their mailing address in the near future, they should advise the Residential Tenancy Branch.

Analysis

The parties have reached a settlement agreement in regards to the Tenant's Application for Dispute Resolution.

Conclusion

I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on June 28, 2013. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

This agreement is recorded on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 18, 2013

Residential Tenancy Branch