



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Wendeb Properties  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: CNC, ERP, RP, OPT  
OPC

### Introduction

This hearing was scheduled in response to an application by the tenant for cancellation of a notice to end tenancy for cause / an order instructing the landlord to make emergency repairs for health or safety reasons / an order instructing the landlord to make repairs to the unit, site or property / and an order of possession for the unit.

Both parties attended and gave affirmed testimony.

During the hearing the landlord's agents confirmed that the landlord seeks an order of possession.

### Issue(s) to be Decided

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

### Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on July 1, 2004. Monthly rent is currently \$750.00, and a security deposit of \$315.00 was collected.

Pursuant to section 47 of the Act which speaks to **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated July 30, 2013. The notice was served in-person on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is August 31, 2013. The reason shown on the notice in support of its issuance is as follows:

Tenant has caused extraordinary damage to the unit / site or property / park

The tenant filed an application to dispute the notice on August 5, 2013, and she presently continues to reside in the unit.

During the hearing the parties undertook to achieve a resolution of the dispute.

### 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](http://www.rto.gov.bc.ca)

Section 63 of the Act speaks to the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion led to a resolution and it was specifically agreed as follows:

### **RECORD OF SETTLEMENT**

- that the tenant will vacate the unit and remove all of her possessions by not later than **Monday, September 30, 2013**, and that an **order of possession** will be issued in favour of the landlord to that effect;
- that the landlord will pay the tenant **\$1,076.16**, which is calculated as follows:
  - \$750.00: *repayment of rent for September 2013*
  - \$315.00: *repayment of the original security deposit*
  - \$11.16: *payment of interest accrued on the original security deposit*
- that a **monetary order** will be issued in favour of the tenant for the total amount shown above;
- that the above payment will be made by way of **cheque**;
- that the above cheque will be delivered in-person to the tenant as soon as possible but, in any event, by no later than **midnight, Friday, September 20, 2013**;
- that the above particulars comprise **full and final settlement** of all aspects of the dispute for both parties, which arise out of this tenancy and which are presently before me.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective **Monday, September 30, 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the tenant in the amount of **\$1,076.16**. Should it be necessary, this order may be served on the landlord, filed in the Small Claims Court 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: September 13, 2013

---

Residential Tenancy Branch

