



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC, CNR, OPT, FF  
OPC, OPR

### Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a notice to end tenancy for cause / cancellation of a notice to end tenancy for unpaid rent or utilities / an order of possession of the rental unit / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

During the hearing the landlord confirmed that he seeks an order of possession in the event the tenant's application does not succeed.

### 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 April 1, 2013. Monthly rent of \$800.00 is due and payable in advance on the first day of each month, and a security deposit of \$400.00 was collected.

2 separate 10 day notices to end tenancy for unpaid rent or utilities were issued by the landlord dated, respectively, June 6 and August 19, 2013. During the hearing both parties agreed that neither of these notices is still at issue, as the previously unpaid utilities have now been paid in full.

As to circumstances surrounding the 1 month notice to end tenancy for cause dated July 30, 2013, during the hearing the parties undertook to resolve 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(s) and all other occupant(s) will vacate the unit 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 tenant(s) will recover half the filing fee in the amount of \$25.00 (\$50.00 ÷ 2) by way of the landlord's application of a **\$25.00 credit** in the tenant(s)' favour towards the next utility bill(s);

As the end of tenancy approaches, the attention of the parties is drawn to section 37 of the Act which addresses **Leaving the rental unit at the end of a tenancy**:

37(1) Unless a landlord tenant otherwise agree, the tenant must vacate the rental unit by 1 p.m. on the day the tenancy ends.

(2) When a tenant vacates a rental unit, the tenant must

- (a) leave the rental unit reasonably clean, and undamaged except for reasonable wear and tear, and
- (b) give the landlord all the keys or other means of access that are in the possession or control of the tenant and that allow access to and within the residential property.

Finally, the attention of the parties is also drawn to section 38 of the Act which addresses **Return of security deposit and pet damage deposit**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **Monday, September 30, 2013**. This order must be served on the tenant(s). Should the tenant(s) 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: September 18, 2013

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Residential Tenancy Branch

