



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OPT, FF

Introduction

This hearing was convened by way of conference call in response to an application made by the tenant to cancel a notice to end tenancy for cause, to obtain an Order of Possession of the rental unit or site, and to recover the filing fee from the landlords for the cost of the application.

All the parties attended the conference call hearing and no issues with regards to the service of documents under the *Residential Tenancy Act* were raised by the parties.

At the start of the hearing the tenant withdrew the portion of the application relating to an order of possession for the rental unit as this was made in error and was not relevant as the tenant was still residing in the rental unit. The parties also agreed to amend the dispute address on the Application for Dispute Resolution to include the fact that the rental unit was the main floor and the landlords' address was the lower floor.

Analysis & Conclusion

Pursuant to section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

All the parties agreed to settle their dispute under the following terms:

1. The tenancy will end at 1:00 p.m. on September 30, 2013 and the tenant will vacate on this date and time.
2. The landlords will have an order of possession effective for 1:00 p.m. on September 30, 2013 which is enforceable **if** the tenant fails to vacate on this date and time.

The rights and obligations of all the parties in dealing with the security and pet damage deposits still apply.

For the reasons set out above, I hereby grant an Order of Possession in favour of the landlord effective September 30, 2013 at 1:00 p.m. This order is final and binding on the parties and may be enforced.

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

Residential Tenancy Branch

