



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Jordan Enterprises
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC, FF
CNC

Introduction

This hearing concerns 2 applications: i) by the landlord for an order of possession for cause / and recovery of the filing fee; and ii) by the tenant for cancellation of a notice to end tenancy for cause. Both parties attended and gave affirmed testimony.

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 \$815.00 is due and payable in advance on the first day of each month, and a security deposit of \$407.50 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 August 15, 2013. The notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The tenant filed an application to dispute the notice on August 24, 2013, and during the hearing the parties undertook to resolve their 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

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 not later than **Thursday, October 31, 2013**, and that an **order of possession** will be issued in favour of the landlord to that effect.

As the parties resolved their dispute by way of mutual agreement, I find that they will bear the cost of their respective filing fees. While the tenant did not apply to recover this cost, the landlord's application to recover the filing fee is hereby dismissed.

As the end of tenancy nears, 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**, and section 38 of the Act which speaks to **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 **1:00 p.m., Thursday, October 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: October 04, 2013

Residential Tenancy Branch

