



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, CNR, MNR, MNDC, FF

Introduction

This hearing was convened by way of conference call in response to an application made by both the landlord and tenant. The landlord applied for: an Order of Possession and a Monetary Order for unpaid rent or utilities and to recover the filing fee from the tenant for the cost of making the application. The tenant applied to cancel the notice to end tenancy and for a Monetary order: for the cost of emergency repairs; for money owed or compensation for damage or loss under the Residential Tenancy Act (referred to as the Act), regulation and tenancy agreement; and to recover the filing fee from the landlord for the cost of making the application.

The tenant appeared for the hearing and the landlord appeared with an agent who also acted as the landlord's translator. No issues with regards to the service of documents under the Act were raised by any of the parties.

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 disputes.

Both parties agreed to settle their respective disputes under the following terms:

1. The tenant agreed to the landlord being issued with an Order of Possession effective 2 days after service on the tenant. The tenant agreed to make preparations to vacate the rental suite peacefully and without damage as soon as possible after this hearing.

2. The tenant will remove his stove and fridge from the rental unit upon vacating without any collateral damage to the suite.
3. The landlord and tenant both agreed to withdraw the monetary portions of their applications.
4. The landlord and tenant agreed that no security deposit was given by the tenant to the landlord at the start of the tenancy.

For the reasons set out above, I hereby grant an Order of Possession in favour of the landlord effective **2 days after service on the tenant**. This order may then be filed and enforced in the Supreme Court as an order of that court.

The landlord's and tenant's remaining portions of the applications for a Monetary Order are both dismissed without leave to re-apply.

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: November 19, 2013

Residential Tenancy Branch

