



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, OPC, MNR, FF

Introduction

This was a cross-application hearing.

The tenants applied to cancel a 1 month Notice to end tenancy for cause and to recover the filing fee cost.

The landlord applied requesting an order of possession based on a Notice ending tenancy for landlord's use of the proper and breach of a material term of the tenancy; compensation for unpaid utilities (propane) and filing fee costs.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants.

Mutually Settled Agreement

The parties came to the following agreement:

- The tenants will vacate the rental unit by September 30, 2013 at 6 p.m.;
- The landlord will be issued an Order of possession for the agreed-upon vacancy date and time; and
- The landlord will arrange a move-out condition inspection at the end of the tenancy, at which point the parties can come to agreement on the amount owed for propane.

The parties were informed that the tenants may give written permission, at the end of the tenancy, allowing the landlord to retain a portion or all of the security deposit.

Therefore, pursuant to section 63(2) of the Act, based on the mutual agreement of the parties, I find that the landlord is entitled to an Order of possession effective no earlier than 6 p.m. on September 30, 2013. This Order may be served on the tenants, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I find, in the absence of a mutual agreement at the end of the tenancy, that the landlord has leave to reapply requesting compensation for propane.

Conclusion

The parties reached a mutually settled agreement, as set out above.

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