



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pine Ridge Village Apts.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MT, CNC, CNR, MNSD, OPT, AAT, OPC, OPB, MNDC, FF

Introduction

This was a cross-application hearing.

The tenant applied requesting more time to cancel a 1 month Notice ending tenancy for cause and a 10 day Notice ending tenancy for unpaid rent; to cancel the Notices ending tenancy, to obtain an Order of possession for the rental unit, an Order allowing access to the unit by the tenant and the tenant's guests and to recover the filing fee costs from the landlord.

The landlord applied requesting an Order of possession based on cause and a breach of an agreement with the landlord, compensation for damage or loss under the Act, to retain the security deposit and to recover the filing fee costs from the tenant.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

Mutually Settled Agreement

Both of the parties reached a mutually settled agreement as follows:

- The tenant will provide vacant possession of the rental unit to the landlord effective 12 noon on December 15, 2013;
- The landlord is entitled to an Order of possession effective December 15, 2013 at 12 noon;
- The landlord is entitled to compensation in the sum of \$795.00 for unpaid November 2013 rent;
- November 2013 rent owed will be paid via the retention of the security and pet deposits totaling \$795.00; and
- The tenant will pay the landlord \$397.50 for rent owed from December 1 to 15th, 2013.

The landlord agreed to accept rent payment to December 15, 2013, which satisfies all claims for unpaid rent.

The parties agreed to meet at 12 noon on December 16, 2013, to complete a condition inspection report.

The parties agreed that all matters indicated on the applications have now been settled.

Section 63 of the Act provides:

Opportunity to settle dispute

- 63** (1) *The director may assist the parties, or offer the parties an opportunity, to settle their dispute.*
(2) *If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.*

Therefore, in support of the mutual agreement of the parties, pursuant to section 63(2) of the Act, I Order this tenancy ends effective December 15, 2013 at noon. An Order of possession has been issued in support of the settled agreement.

In relation to rent, I find that the landlord is entitled to retain the pet and security deposits for November 2013 rent owed and that the landlord is entitled to a monetary Order in the sum of \$397.50 to satisfy December 2013 and all rent owed.

The landlord has been granted an Order of possession that is effective **at 12 noon on December 15, 2013**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Based on these determinations I grant the landlord a monetary Order in the sum of \$397.50 for December 2013 rent owed. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The parties reached a mutually settled agreement ending the tenancy and in relation to rent owed.

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: December 12, 2013

Residential Tenancy Branch

