



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC & FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The landlord testified that he served the one month Notice to End Tenancy and the Application for Dispute Resolution on the Tenants by posting to the front door of the rental unit. The tenant disputes this. She testified the tenants have never received a Notice to End Tenancy or the Application for Dispute Resolution from the landlord and only became aware of the hearing on Friday when they talked to someone at the Residential Tenancy Branch.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on June 15, 2012 and continue for a fixed term ending on December 15, 2012 and become month to month after that. The written tenancy agreement provided that the rent was \$1150 per month payable on the fifteenth of each month. The tenants paid a security deposit of \$575 on the fifteenth of June 2012.

Settlement:

During the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on June 30, 2014.
- b. The parties request that the arbitrator issue an order for possession for that date.
- c. The tenant agrees that if she has a dispute with the upstairs tenant she will deal with the landlord and not the upstairs tenant.

As a result of the settlement I granted an Order for Possession effective June 30, 2014. All other claims in the application are dismissed.

The tenants must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: January 08, 2014

Residential Tenancy Branch

