



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC

### 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.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Notice to End Tenancy was personally served on the Tenant on July , 2009. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on July 15, 2009. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to a monetary order and if so how much?
- b. Whether the tenant is to an order suspending or setting conditions on the landlord's right to enter the rental unit?
- c. Whether the tenant is entitled to an order authorizing the tenant to change the locks to the rental unit?
- d. Whether the tenant is entitled to an order that the landlord comply with the Act, regulations or tenancy agreement?

### Background and Evidence

The tenancy began on February 14, 2014. The tenancy agreement provided that the tenant(s) would pay rent of \$4000 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$200 at the start of the tenancy.

The tenant had exclusive possession of a bedroom and living room. He also had shared possession of a kitchen and bathroom with another tenant. The relationship between the parties has deteriorated. The police have been called a number of time. The respondent submitted the applicant is not a tenant. He has demanded that the tenant vacate the rental unit. The tenant alleges the landlord illegally entered into the area which he has been granted exclusive possession. The landlord denies this. In early March the landlord removed the tenant's belongings from his bedroom.

### Settlement:

At the end of 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 landlord shall provide the tenant with exclusive access to his bedroom and living room by March 18, 2014.
- b. The landlord shall give the tenant shared access to the downstairs bathroom and kitchen by 10:00 p.m. on March 14, 2014.
- c. The parties mutually agree to end the tenancy on March 31, 2014.
- d. The parties request that the arbitrator issue an Order for Possession for March 31, 2014.
- e. The Tenant shall pay to the landlord the sum of \$200 as part payment of the rent for March provided the landlord gives the tenant a receipt.
- f. The tenant authorizes the landlord to retain the security deposit of \$200 being the balance of the rent that is owed for March 2014.
- g. The landlord shall restore the internet by March 19, 2014.
- h. The tenant waives his monetary claim on the condition that the landlord complies with the agreement above and if the landlord fails to fulfil his obligations as set

out above the tenant retains the right to file another Application for Dispute Resolution making a monetary claim for the matters identified in this Application for Dispute Resolution.

Order of Possession:

**As a result of the settlement I granted an Order for Possession effective March 31, 2014.**

The tenant 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: March 14, 2014

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Residential Tenancy Branch

