



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC CNC FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- a) An Order of Possession pursuant to Section 47, and 55; and
- b) An order to recover the filing fee pursuant to Section 72.

This hearing also dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for orders as follows:

- c) To cancel a Notice to End Tenancy for cause pursuant to section 47; and
- d) An Order that the landlord return personal property of the tenant.

SERVICE:

Both parties attended and the tenant agreed she received personally the Notice to end Tenancy dated February 28, 2014 and the Application for Dispute Resolution. The landlord agreed he received the tenant's Application for Dispute Resolution by registered mail. I find the parties were legally served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy for cause dated February 28, 2014. Has the landlord proved on a balance of probabilities that there is good cause to end this tenancy and they are now entitled to an Order of Possession and the filing fee?

Or is the tenant entitled to any relief from the Notice to End Tenancy? Has the tenant proved on the balance of probabilities that the landlord has her personal property and that it should be returned?

Background and Evidence:

Both parties attended and were given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced in January 2009, a security deposit of \$300 was paid but has since been applied to a

repair so there is currently no security deposit and rent is currently \$500 a month plus payment for cable.

The parties have had difficulties with the tenancy and said at the outset that they had tried to resolve their issues. The tenant is in poor health and is on a waiting list for Seniors' subsidized housing. She is agreeable to moving as soon as she can. The parties discussed the problem and reached the following agreement:

Settlement Agreement:

- 1. The landlord will receive an Order of Possession effective on May 31, 2014.**
- 2. The landlord agrees not to enforce the Order of Possession until the tenant has been placed in the subsidized housing where she has been on a waiting list for some time.**

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Based on the above noted agreement, I find the landlord is entitled to an Order of Possession effective May 31, 2014 which he agrees not to enforce until the tenant has been placed in Seniors' subsidized housing.

Conclusion:

An Order of Possession effective May 31, 2014 is issued to the landlord which he agrees not to enforce until the tenant is placed in the Seniors' subsidized housing. No filing fees are awarded for these applications as both parties were successful in settling this matter.

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: April 02, 2014

Residential Tenancy Branch

