



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession for unpaid rent, a monetary Order for unpaid rent, to retain the security deposit and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

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.

Preliminary Matters

The landlord did not serve the tenants with the 9 pages of evidence that was given to the Residential Tenancy Branch on May 22, 2014. Therefore, that evidence was set aside. The landlord was at liberty to make oral submissions.

The landlord confirmed that he received the tenant's evidence and had ample time to review that evidence.

The application has been amended to correct the spelling of the male tenant's first name.

Issue(s) to be Decided

Is the landlord entitled to an Order of possession for unpaid rent?

Is the landlord entitled to a monetary Order for unpaid rent?

May the landlord retain the security deposit paid by the tenant?

End of Tenancy – Mutually Settled Agreement

The tenants indicated that they have located a new residence and will be vacating the unit on June 6, 2014. The landlord said that he would agree to an end of tenancy on that date. The tenants agreed the landlord should be issued an Order of possession for June 6, 2014.

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 that this tenancy will end on June 6, 2014.

Based on the mutual agreement of the parties the landlord has been granted an Order of possession that is effective **on June 6, 2014 at 1 p.m.** This Order may be served on the tenants, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Landlord Claim – Unpaid Rent and Retain Security Deposit

The parties confirmed that the tenants have a hearing scheduled to be heard on June 4, 2014 at 2:30 p.m. (file 821630.) The landlord had the Notice of hearing before him and confirmed he has been served with the Notice. The tenants have made a monetary claim against the landlord.

Therefore, I considered Residential Tenancy Branch Rules of Procedure, section 2.2 and determined that the balance of the landlord's claim should be joined with the tenant's hearing to be held on June 4, 2014. The matters on each application refer to the same property, landlord, similar facts and remedies.

The sixteen page evidence submission made by the tenants on the landlord's file (821516) will be considered at the June 4, 2014 hearing. The parties were informed that any evidence submission beyond today's date would not be received by the Residential Tenancy Branch within the required 5 day time frame.

The landlord requested an amendment to his application and was provided with information on time-lines for service of amended applications.

Conclusion

By the mutual agreement of the parties the landlord is entitled to an Order of possession.

The balance of the landlord's claim is to be heard as a cross-application to the tenant's June 4, 2014 hearing (file 821630.)

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: May 28, 2014

Residential Tenancy Branch

