



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC / FF
MT / CNC / MNDC / OLC / PSF / LRE / RR

Introduction

This hearing was scheduled in response to 2 applications: i) by the landlord for an order of possession for cause / and recovery of the filing fee; and ii) by the tenant for more time to make an application to cancel a notice to end tenancy / cancellation of a notice to end tenancy for cause / a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / an order instructing the landlord to provide services or facilities required by law / an order suspending or setting conditions on the landlord's right to enter the rental unit / and permission to reduce rent for repairs, services or facilities agreed upon but not provided.

Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether either party is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The tenancy began on or about February 28, 2014. Monthly rent is \$850.00, and a security deposit of \$425.00 was collected.

Pursuant to section 47 of the Act which speaks to **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated May 12, 2014. The notice was later served by way of delivery to the tenant's mailbox on May 27, 2014. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is June 30, 2014. The reason shown on the notice in support of its issuance is as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord

The tenant filed an application for dispute resolution on June 06, 2014. The landlord filed an application for dispute resolution on June 11, 2014.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute, and attempted to achieve a resolution.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 63 of the Act speaks to the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion led to a settlement and it was specifically agreed as follows:

RECORD OF SETTLEMENT

- that the tenant will vacate the unit by not later than **Sunday, August 31, 2014**, and that an **order of possession** will be issued in favour of the landlord to that effect;
- that rent for August 2014 will be reduced by \$400.00, such that the full amount of **rent due for the month of August 2014 is \$450.00** (\$850.00 - \$400.00);
- that the landlord will recover ½ the \$50.00 filing fee for her application by way of **withholding \$25.00** from the tenant's security deposit at the end of tenancy;
- that the parties will attempt to resolve the disposition of the balance of the security deposit of **\$400.00** (\$425.00 - \$25.00) between themselves at the end of tenancy;
- that the above particulars comprise **full and final settlement** of all aspects of the dispute for both parties, which arise out of this tenancy and which are currently before me.

As the end of tenancy nears, the attention of the parties is drawn to the following particular sections of the Act:

Section 37: **Leaving the rental unit at the end of a tenancy**

Section 38: **Return of security deposit and pet damage deposit**

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **Sunday, August 31, 2014**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I hereby order that the landlord withhold **\$25.00** from the tenant's security deposit in order to recover ½ the filing fee paid for her application.

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: July 28, 2014

Residential Tenancy Branch

