



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC FF
 CNC FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by both the Landlord and the Tenant.

The Landlord filed on August 12, 2014, to obtain an Order of Possess for cause and to recover the cost of the filing fee from the Tenant for this application.

The Tenant filed on June 27, 2014 to cancel a 1 Month Notice to end tenancy issued for cause and to recover the cost of the filing fee from the Landlord for this application.

The hearing was conducted via teleconference and was attended by the Landlord and the Tenant. The parties gave affirmed testimony and confirmed receipt of evidence served by the other.

At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

Have the parties agreed to settle these matters?

Background and Evidence

It was undisputed that the parties entered into a verbal month to month tenancy agreement that commenced on September 28, 2013. The Tenant is required to pay rent of \$800.00 and at the end of September 2013 the Tenant paid \$400.00 as the security deposit.

During the course of this proceeding the parties agreed to settle these matters.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute on the following terms:

- 1) The Landlord withdrew his Application for Dispute Resolution in favor of this settlement agreement;
- 2) The Tenant withdrew his Application for Dispute Resolution in favor of this settlement agreement;
- 3) The Tenant agreed to deposit \$800.00 directly into the Landlord's bank account no later than close of business September 1, 2014, for payment for use and occupancy of the rental unit; and
- 4) The parties mutually agreed to end this tenancy effective September 20, 2014 at 1:00 p.m.

Conclusion

The parties agreed to settle these matters, pursuant to section 63 of the *Act*.

In support of the settlement agreement the Landlord has been issued the following two Orders:

- 1) The Landlord has been granted an Order of Possession effective **September 20, 2014 @ 1:00 p.m. after service upon the Tenant**. In the event that the Tenant does not comply with this Order it may be filed with the Province of British Columbia Supreme Court and enforced as an Order of that Court.
- 1) The Landlord has been granted a "Conditional" Order of Possession effective **Two (2) Days after service upon the Tenant** and will only be in full force and effect if the Tenant fails to deposit \$800.00 in the Landlord's bank account by

close of business September 1, 2014. If the \$800.00 is deposited into the Landlord's bank account, as per the settlement agreement, then this "Conditional" Order of Possession becomes void and of no force or effect.

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: August 29, 2014

Residential Tenancy Branch

