



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: ET / OP, FF

### Introduction

This hearing concerns the landlord's application for an early end of tenancy / order of possession / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

### Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement the month-to-month tenancy began on November 15, 2012. Monthly rent of \$800.00 is due and payable in advance on the first day of each month, and a security deposit of \$400.00 was collected.

Pursuant to section 47 of the Act which addresses **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated July 15, 2014.

Pursuant to section 46 of the Act which addresses **Landlord's notice: non-payment of rent**, the landlord issued a 10 day notice to end tenancy dated August 19, 2014.

On August 19, 2014 an incident arose between the landlord and the tenant, as a result of which the landlord filed an application for dispute resolution on September 02, 2014. As a result of the incident, the landlord seeks an early end of tenancy and an order of possession. During the hearing the parties undertook to resolve the dispute around ending the tenancy.

### Analysis

Section 63 of the Act addresses 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 resolution and it was specifically agreed as follows:

## RECORD OF SETTLEMENT

- that the tenant will vacate the unit by not later than **Tuesday, September 30, 2014**, and that an **order of possession** will be issued in favour of the landlord to that effect.

I hereby order that the landlord may recover the **\$50.00** filing fee by way of withholding that amount from the tenant's security deposit when tenancy ends.

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 **Tuesday, September 30, 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 may withhold **\$50.00** from the tenant's security deposit in order to recover the filing fee.

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: September 22, 2014

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Residential Tenancy Branch

