



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 was scheduled in response to the landlord's application for an early end to tenancy / an 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

There is no written tenancy agreement in evidence for this tenancy. It is understood that monthly rent is \$785.00, and that a security deposit of \$392.50 was collected. In his application the landlord has referenced a range of miscellaneous concerns about the conduct and behaviour of the tenants, all of which lead to this application to end tenancy early. The tenants testified that they will have vacated the unit by the end of today, and the parties undertook during the hearing to reach a settlement, which is detailed below.

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 tenants will vacate the unit by not later than **midnight, Thursday, October 02, 2014**, and that an **order of possession** will be issued in favour of the landlord to that effect;
- that the landlord will withhold **\$160.00** from the tenant's security deposit;

- that the above withheld amount is comprised as follows:

\$50.00: *filing fee*

\$110.00: *balance of unpaid rent for September 2014*

- that the tenants will **return all unit keys** to the landlord by not later than **midnight, Thursday, October 02, 2014**.

As to the disposition of the remaining balance of the security deposit, the attention of the parties is drawn to section 38 of the Act which addresses **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 **midnight, Thursday, October 02, 2014**. This order must be served on the tenants. Should the tenants 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.

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: October 02, 2014

Residential Tenancy Branch

