



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL OPL FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) To obtain an Order of Possession for landlord's use of the property pursuant to sections 49 and 55;
- b) To recover the filing fee for this application.

This hearing also dealt with an application by the tenant pursuant to the Act to cancel a Notice to End Tenancy for unpaid rent and one for landlord's use of the property; the tenant also requests compensation of \$3600.00.

Service:

The Notice to End Tenancy is dated July 21, 2014 to be effective September 30, 2014 and was served personally with witnesses; the tenants disputed the effective date of the Notice in their Application. The landlord said they and the tenants both served their respective Applications for Dispute Resolution by registered mail.. I find the documents were legally served for the purposes of this hearing.

Issue(s) to be Decided:

Has the landlord proved on the balance of probabilities that the tenancy is ended pursuant to section 49 and he is entitled to an Order of Possession or is the tenant entitled to any relief? Is the landlord entitled to recover the filing fee?

Has the tenant proved on the balance of probabilities that they are entitled to compensation and if so, the amount?

Background and Evidence

The landlord attended the hearing and was given opportunity to be heard, to provide evidence and to make submissions. The landlord said the parties had settled the matter

with the help of their lawyer and the tenant has vacated. The settlement agreement provided:

1. The landlord compensated the tenant \$8,600.
2. The tenants vacated the property on October 14, 2014.
3. This agreement settles all matters between the parties with respect to this tenancy.

The landlord said they had sold the home and the buyers required vacant possession on October 15, 2014 so they were motivated to settle as they risked losing the sale.

Analysis and Conclusion:

I find the evidence is that the matter has been settled satisfactorily so the landlord no longer requires an Order of Possession and the tenant no longer requires a monetary order.

I dismiss both Applications as they are settled without recovery of the filing fees.

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 16, 2014

Residential Tenancy Branch

