



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNDC, OLC FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 10 day Notice to End Tenancy was sufficiently served on the tenant. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord by mailing, by registered mail to where the landlord resides on November 6, 2014. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy?
- b. Whether the tenant is entitled to a monetary order and if so how much?
- c. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on August 1, 2011. The tenancy agreement provided that the tenant(s) would pay rent of \$500 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$250 at the start of the tenancy.

The landlord seeks to regain possession of the rental unit so that his partner can move in. The tenant disputes the landlord's claims on the basis that the landlord has failed to follow the proper procedures set out in the Residential Tenancy Act. The monetary order worksheet filed by the tenant seeks a monetary order in the sum of \$4572 including loss wages totalling \$3460, cost of a storage locker totalling \$360 etc. The landlord testified he returned the post-dated rent cheque of the tenant for October and November to him. The tenant testified he never received it. The rent for November and December has not been paid.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on December 14, 2014.
- b. The parties request that the arbitrator issue an Order for Possession for December 14, 2014.
- c. The landlord releases and discharges the tenant from all claims for non payment of rent for the period November 1, 2014 to December 14, 2014.
- d. The tenant releases and discharges the landlord from all monetary claims set out in this application.

As a result of the settlement I granted an Order for Possession effective December 14, 2014.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: November 28, 2014

Residential Tenancy Branch