



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: OPR, MNR, MNSD, FF
Tenant: CNR, RP, FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlord sought an order of possession and a monetary order. The tenant sought to cancel a notice to end tenancy and an order for repairs.

The hearing was conducted via teleconference and was attended by the landlord and the tenant.

Residential Tenancy Branch Rule of Procedure 2.3 states that an Arbitrator may dismiss unrelated disputes that are contained in a single application. As the tenant has applied to cancel a notice to end tenancy and an order to have repairs completed, I find that the additional order sought by the tenant is unrelated to the issue of the notice to end tenancy.

As such, I dismiss the portion of the tenant's Application seeking orders for repairs, with leave to reapply at a future date.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 46, 55, 67, and 72 of the *Residential Tenancy Act* (Act).

It must also be decided if the tenant is entitled to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 67, and 72 of the Act.

Background and Evidence

During the hearing the parties reached the following settlement:

1. The tenant agrees to vacate the rental unit no later than 2 days from the date of this hearing;
2. The tenant agrees to allow the landlord to retain the security deposit in the amount of \$387.50;
3. The landlord agrees that he will consider the retention of the security deposit as satisfying the tenant's obligations for the payment or outstanding rent.

Conclusion

In support of this settlement and with agreement of both parties I grant the landlord an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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: November 25, 2014

Residential Tenancy Branch

