



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, OPC, MNR, MND, MNDC, MNSD, FF

Introduction

This was a cross-application hearing.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing.

The landlord applied requesting an Order of possession based on cause and compensation for damage to the rental unit, loss of rent, damage or loss under the Act, to retain the security deposit and to recover the filing fee cost from the tenant.

The tenant applied to cancel a 1 month Notice to end tenancy for cause issued on October 4, 2014 and to recover the filing fee cost from the landlord.

Preliminary Matter

At the start of the hearing the tenant said that they wished to vacate the unit. Evidence submissions were not reviewed; given the possibility of a mutually settled agreement.

The landlord indicated several matters of dispute on their application. I determined that the main matter to be dealt with was the end of tenancy. For disputes to be combined on an application they must be related. Not all the claims on this application are sufficiently related to the main issue to be dealt with together. Therefore, I determined I would deal with the landlord's request for an Order of possession. The balance of the landlord's application was severed and dismissed with liberty to re-apply.

Mutually Settled Agreement – End of Tenancy

During the hearing the tenant and landlord reached a mutually settled agreement to end the tenancy effective November 30, 2014 at 2 p.m. The tenant said he wished to accept the 1 month Notice ending tenancy for cause issued on October 4, 2014. That Notice had an effective date of December 1, 2014.

The parties agreed the landlord was entitled an Order of possession for 2 p.m. on November 30, 2014.

Section 63 of the Act provides:

Opportunity to settle dispute

63 (1) *The director may assist the parties, or offer the parties an opportunity, to settle their dispute.*

(2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.

Therefore, in support of the mutually settled agreement, I Order that the tenancy will end effective November 30, 2014 at 2 p.m. The landlord has been granted an Order of possession that is effective **no earlier than 2 p.m. on November 30, 2014**. This Order may be served on the tenants, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

The parties agreed to meet at 2 p.m. on November 30, 2014 to complete the move-out condition inspection report.

Conclusion

The tenancy is ending by mutual agreement effective 2 p.m. on November 30, 2014.

The balance of the landlord's application is dismissed with leave to reapply within the legislated time-frame.

This decision is final and binding and 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 24, 2014

Residential Tenancy Branch

