



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION AND RECORD OF SETTLEMENT**

### **Dispute Codes:**

OPL

### **Introduction**

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for an Order of Possession in respect to an undisputed 2 Month Notice to End Tenancy for Landlord's Use of Property, and recover their filing fee.

Both parties attended the hearing and provided their testimony. The landlord provided proof they served the tenant the 2 Month Notice to End tenancy by registered mail sent September 22, 2014 in accordance with Section 88 of the Act. In addition the landlord subsequently served the tenant with their application and Notice of Hearing by registered mail sent on October 27, 2014 in accordance with Section 89 of the Act. In both cases the registered mail went unclaimed by the tenant and the tenant does not dispute they failed to claim the registered mailings. In both cases I find that the tenant was served in accordance with the Act and in accordance with Section 90 of the Act is deemed to have received the respective documents on the 5<sup>th</sup> day after they were mailed. None the less, the tenant learned of today's hearing and appeared in today's proceeding.

During the course of the hearing the parties discussed their dispute and agreed to settle matters in dispute to the satisfaction of both parties; and, that I record their settlement as per Section 63 of the Residential Tenancy Act, as follows:

1. the tenant and landlord agree that **this tenancy will end January 31, 2015**, and
2. the landlord will receive an **Order of Possession effective January 31, 2015**.  
and
3. The parties acknowledge and agree that the tenant is entitled to compensation equivalent to one month's rent payable under the tenancy agreement as recipient of a Notice to End tenancy under Section 49 [*Landlord's Use of Property*].

It must be noted that for the purpose of the tenant's compensation under Section 49, the tenant may withhold the amount authorized from the last month's rent, and that amount is deemed to have been paid to the landlord.

As the parties successfully settled their dispute, I decline to award the landlord their filing fee.

**Conclusion**

So as to perfect the parties' settlement, **I grant** the landlord an **Order of Possession, effective January 31, 2015**. The tenant must be served with this Order. If the landlord serves the Order of Possession on the tenant and the tenant fails 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 and Settlement Agreement is final and binding on both parties.**

*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: December 03, 2014

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Residential Tenancy Branch

