



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC OPC

Introduction

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

- a) To cancel a notice to end tenancy for cause pursuant to section 47.

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

- b) To obtain an Order of Possession pursuant to a section 47 Notice to End Tenancy for cause and/or pursuant to a section 46 Notice to End Tenancy for unpaid rent;
- c) For a monetary order for unpaid rent;
- d) To retain the security deposit to offset the amount owing; and
- e) To recover filing fees for this application.

Service:

The Notices to End Tenancy are dated January 23, 2015 and January 29, 2015 and the tenant confirmed they were served personally on her. The parties agreed they received the Applications for Dispute Resolution by personal service. 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 there is sufficient cause to end the tenancy for cause or unpaid rent or is the tenant entitled to any relief?

Has the landlord proved they are entitled to a monetary order for unpaid rent and to recover filing fees for this application?

Background and Evidence

Both parties attended the hearing and were given opportunity to be heard, to provide evidence and to make submissions. The undisputed evidence is that the tenancy

commenced in February 2011, rent is \$1500a month and a security deposit of \$700 was paid in 2011. At the outset of the hearing, the landlord's agent requested time to discuss a settlement proposal with the tenant. After discussion, a settlement agreement was made on the following terms and conditions:

Settlement Agreement:

- 1. The tenant will vacate on or before June 30, 2015 and the landlord will receive an Order of Possession effective June 30, 2015.**
- 2. No monetary order is claimed at this time as the Agent needs to verify the authenticity of the submitted rent receipt for February 2015.**
- 3. Filing fees are waived by the landlord.**

On the basis of the documentary and solemnly sworn evidence presented for the hearing, a decision has been reached.

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Analysis:

Pursuant to the above noted agreement, I find the landlord entitled to an Order of Possession effective June 30, 2015. I find him not entitled to a monetary order but I give him leave to reapply for amounts that may be owed.

Conclusion:

The tenancy is at an end on June 30, 2015 as agreed. An Order of Possession is issued to the landlord effective June 30, 2015 and no filing fee pursuant to the settlement agreement as noted above.

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: February 17, 2015

Residential Tenancy Branch

