



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNR, DRI, MNDC, FF

### **Introduction**

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for nonpayment of rent. The tenant also disputed a rent increase and applied for a monetary order for overpaid rent and the filing fee. Both parties attended the hearing and had opportunity to be heard.

### **Issue to be Decided**

Does the landlord have grounds to end this tenancy? Is the tenant entitled to a monetary order?

### **Background and Evidence**

The tenancy began in October 2013.

The amount of the monthly rent was discussed at length. The tenant stated that the rent is \$1,200.00 and the landlord argued that the rent as per the tenancy agreement is \$1,700.00. These parties attended a hearing on January 19, 2015 and the alleged rent increase and overpaid rent were dealt with during that hearing. Pursuant to the decision dated, on January 29, 2015, the landlord served the tenant with a notice to end tenancy for unpaid rent in the amount of \$6,000.00.

The landlord has also made application for an order of possession and a monetary order for unpaid rent. This matter is scheduled to be heard on March 11, 2015.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of a portion of their dispute.

### **Analysis**

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle a portion of their dispute. Both parties agreed to the following terms:

1. The tenant agreed to move out on or before 1:00p.m. on March 15, 2015.
2. The landlord agreed to allow the tenancy to continue until 1:00 pm on March 15, 2015.
3. The landlord will be issued an order of possession effective March 15, 2015.
4. The monetary portion of the landlord's claim will be addressed during the hearing that is scheduled for March 11, 2015.
5. Both parties stated that they understood and agreed that the tenancy will end on March 15, 2015.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the tenant's request to recover the filing fee paid for this application

### **Conclusion**

Pursuant to the above agreement, I grant the landlord an order of possession effective on or before **1:00pm on March 15, 2015**. Should the tenant fail 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 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 26, 2015

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Residential Tenancy Branch

