



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DAVID BURR LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, PSF, OLC

Introduction

This hearing was convened in response to applications by the landlord and the tenant.

The landlord's application is seeking orders as follows:

1. For an order of possession;
2. For a monetary order for unpaid rent and utilities;
3. To keep all or part of the security deposit; and
4. To recover the cost of filing the application.

The tenant has filed two applications and seeking orders as follows:

1. To cancel a notice to end tenancy for unpaid rent and utilities;
2. For a monetary order for money owed or compensation under the Act;
3. To have the landlord comply with the Act, regulation or tenancy agreement;
4. To have the landlord provide services or facilities required by law; and
5. To recover the cost of filing the application.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Preliminary matter – March 19, 2015

On March 19, 2015, the tenant's original application filed on February 18, 2015, was adjourned for the tenant to consider the landlord offer to settle the matter by settlement agreement. As the parties had additional application scheduled for April 14, 2015 at 9:30am, the tenant's application was adjourned and joined with the additional files.

Preliminary matter – April 14, 2015

At the outset of the hearing counsel for the tenant indicated that the tenant has vacated the rental unit. The tenant confirms that they vacated the rental unit without notifying the landlord.

The landlord's agent indicated they attend the rental unit on April 7, 2015 and the tenant was still occupying the rental premises.

Settlement agreement

During the hearing the parties agreed to settle the matter of unpaid rent and an order of possession on the following conditions. The balances of their respective claims are dismissed with leave to reapply, if the parties are unable to resolve the outstanding issues. Counsel provided an address for service for the tenant for any future applications.

1. The parties agreed that the landlord is entitled to an order of possession, effective upon 2 days service on the tenant;
2. The parties agreed that they will meet at the rental unit on April 15, 2015, at 8:00am to complete the move-out condition inspection report;
3. The tenant agreed that they did not pay rent for March 2015, and the landlord is entitled to monetary order for unpaid rent for March 2015, in the amount of \$1,545.00;

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

As the landlord's application for an order of possession and a monetary order for unpaid rent had merit, I find the landlord is entitled to recover the filing fee from the tenant. A formal order in the amount of **\$1,595.00** is granted pursuant to section 67 of the Act.

Conclusion

As a result of the above settlement, the landlord is granted an order of possession and a monetary order, should the tenant fail to comply with the settlement agreement.

The balances of their respective applications are dismissed with leave to reapply.

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: April 14, 2015

Residential Tenancy Branch

