



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT CNC CNR

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Tenant on March 26, 2015, for: more time to make an application to cancel a Notice to end tenancy; cancel a 1 Month Notice to end tenancy issued for cause; to Order the Landlord to comply with the *Act*, regulation or tenancy agreement; and to recover the cost of the filing fee for this application.

The hearing was conducted via teleconference and was attended by the Landlord and the Tenant. Each party gave affirmed testimony and confirmed receipt of evidence served by each other.

At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. Following is a summary of the testimony and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

Have the parties agreed to settle these matters?

Background and Evidence

The Landlord submitted documentary evidence that the Tenant entered into a month to month tenancy that began on September 24, 2014. Rent of \$500.00 plus \$85.00 utilities was due on or before the first of each month and on or before September 24, 2014 the Tenant paid \$250.00 as the security deposit.

During the course of this proceeding the Tenant walked over to the Landlord's residence and paid her \$585.00 cash as payment in full for May 2015 rent. The

Landlord stated that she would issue the Tenant a receipt. The parties agreed to settle these matters and end the tenancy.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to 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 the hearing, the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute on the following terms:

- 1) The Tenant agreed to withdraw his application for dispute resolution;
- 2) The Landlord and Tenant mutually agreed to end this tenancy effective May 31, 2015;
- 3) The Tenant agreed to provide the Landlord vacant possession of the rental unit no later than 1:00 p.m. on May 31, 2015.

In support of the above agreement, an Order of Possession will be issued to the Landlord, pursuant to section 62 of the *Act*.

Although the Tenant requested to be reimbursed the filing fee, there was no filing fee paid by the Tenant as he was in receipt of a fee waiver.

Conclusion

The parties agreed to settle these matters, pursuant to section 63 of the *Act*.

In support of the settlement agreement, the Landlord has been issued an Order of Possession effective **May 31, 2015, at 1:00 p.m. after service upon the Tenant**. In the event that the Tenant does not accept receipt of the Order it may be posted to the Tenant's rental unit door. If the Tenant does not comply with this Order it may be filed with the Province of British Columbia Supreme Court 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: May 07, 2015

Residential Tenancy Branch

