



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession based on unpaid rent, a Monetary Order for unpaid rent and to recover the filing fee for the Application.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed 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 to me.

At the outset of the hearing, the Tenant advised that the Landlord erroneously noted his name on the Application for Dispute Resolution. I have corrected the style of cause to accurately record the Tenant's legal name.

During the hearing the parties reached a comprehensive settlement. Pursuant to section 63 of the *Residential Tenancy Act*, I record the parties' agreement in this my decision and resulting Order.

The Terms of the parties settlement is as follows:

1. The Tenant shall vacate the rental unit by no later than 1:00 p.m. on May 5, 2015.
2. The Landlord shall be entitled to an Order of Possession effective 1:00 p.m. on May 5, 2015. This Order may be filed in the Supreme Court and enforced as an Order of that Court.

3. The Landlord's claim for rent for April 2015 is dismissed. The Tenant shall not be required to pay rent for the month of April 2015, and the parties acknowledge this is compensation pursuant to sections 49 and 51 of the *Residential Tenancy Act* and the Notice to End Tenancy issued by the Landlord's letter dated March 2, 2015.
4. The Tenant's obligation to pay rent for May 1, 2015 shall be \$84.00 for the days he will be in occupation of the rental unit from May 1, 2015 to May 5, 2015 at 1:00 p.m.
5. The Landlord is entitled, pursuant to section 38 of the *Act*, to retain the sum of \$84.00 from the Tenant's security deposit and this sum shall be applied to the Tenant's rent for May 2015 as set out in paragraph 4 above.
6. The Landlord is at liberty to apply for a further Monetary Order should the Tenant not vacate the rental unit by 1:00 p.m. on May 5, 2015 or should the Landlord have any further claim pursuant to section 67.
7. The Landlord's claim to recover the \$50.00 filing fee is dismissed.

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 01, 2015

Residential Tenancy Branch

