



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPR, MNR, MDSD & FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the one month Notice to End Tenancy was personally served on the Tenants on March 31, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing and Amended Application for Dispute Resolution was sufficiently served on each of the parties. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated March 31, 2015?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to A Monetary Order and if so how much?
- d. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- e. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on March 1, 2008. The present rent is \$871.25 per month payable on the first day of each month. The tenants paid a security deposit of \$425. The tenant(s) failed to pay the rent for the month of July and the sum of \$421.25 remains owing. The tenant(s) have remained in the rental unit.

The landlord's application seeks an Order for Possession and a monetary order for non-payment of rent for July in the sum of \$421.25. The tenants' application seeks an order to cancel the one month Notice to End Tenancy and a monetary order in the sum of \$125 for the failure of the landlord to provide cable vision from March 11, 2015 to date.

Settlement:

At the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

1. The tenants shall pay to the landlord the balance of the rent in the sum of \$421.25 by July 28, 2015.
2. The tenants shall pay the rent for August in the sum of \$871.25 when due by August 1, 2015.
3. The parties request that the arbitrator grant an Order for Possession on 2 days notice.
4. Provided the tenants make the payments referred to above the landlord shall permit the tenants to live in the rental unit until August 31, 2015 on a "use and occupation basis."
5. If the tenants fail to make any one of the payments as provided above the landlord shall be at liberty to enforce the 2 day Order for Possession.
6. The tenants waive their claim in the sum of \$125 for loss of cablevision and the \$50 filing fee and release and discharge the landlord from any further claims with respect to those matters.

7. The landlord waives her claim for the cost of the filing fee and releases and discharges the tenant for any further claims with respect to it.
8. The security deposit shall be dealt with in accordance with the Residential Tenancy Act.

Orders:

As a result of the settlement **I granted the landlord an Order for Possession on 2 days notice.**

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

I ordered that the tenants pay to the landlord the sum of \$421.25.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: July 27, 2015

Residential Tenancy Branch

