



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes 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 10 day Notice to End Tenancy was sufficiently served on the tenant by posting on June 11, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was sufficiently served on the tenant by mailing, by registered mail to where the tenant resides on June 18, 2015. I find the Application for Dispute Resolution filed by the tenant was sufficiently served on the landlord. 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 10 day Notice to End Tenancy dated June 11, 2015?
- b. Whether the tenant is entitled to an order for emergency repairs?
- c. Whether the tenant is entitled to a monetary order and if so how much?
- d. Whether the tenant is entitled to an order for the return of the tenant's personal property?
- e. Whether the tenant is entitled to an order for repairs

- f. Whether the tenant is entitled to an order suspending or setting conditions on the landlord's right to enter the rental unit?
- g. Whether the tenant is entitled to an order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided?
- h. Whether the landlord is entitled to an Order for Possession?
- i. Whether the landlord is entitled to A Monetary Order and if so how much?
- j. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- k. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on September 1, 2013, continue for one year and become month to month after that. The agreed rent was \$700 per month. However, the parties agreed to reduce the rent to \$685 as the internet was not adequate. The tenant paid a security deposit of \$350 at the start of the tenancy.

The tenant failed to pay the rent for June, July and August and the sum of \$2055 remains outstanding.

The tenant's Application for Dispute Resolution seeks a monetary order in the sum of \$3300.

Settlement:

During 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:

- a. The parties mutually agree to end the tenancy on August 15, 2015 and request the arbitrator to issue an Order for Possession for that date.
- b. The landlord shall retain the security deposit of \$350.
- c. In addition the tenant shall pay to the landlord the sum of \$685.
- d. The landlord releases and discharges the tenant from all claims for rent including damages for loss of rent provided the tenant vacates by August 15, 2015.
- e. The tenant releases and discharges the landlord from all monetary claims set out in her Application for Dispute Resolution.

Analysis - Order of Possession:

As a result of the settlement I granted the landlord an Order for Possession effective August 15, 2015.

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.

Analysis - Monetary Order and Cost of Filing fee

As a result of the settlement I ordered that the landlord shall retain the security deposit of \$350. In addition, I ordered that the tenant pay to the landlord the sum of \$685. All other claims in the Application for Dispute Resolution filed by the parties are dismissed.

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: August 06, 2015

Residential Tenancy Branch

