



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNR, MNDC, MNSD, FF

Introduction

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”).

The Tenant applied on June 12, 2015 with an amendment made July 8, 2015 for:

1. An Order cancelling two notices to end tenancy - Section 46 and 47.

The Landlord applied for:

1. An Order of Possession - Section 55;
2. An Order for unpaid rent or utilities - Section 67;
3. A Monetary Order for compensation – Section 67;
4. An Order to retain the security deposit – Section 38; and
5. An Order to recover the filing fee for this application - Section 72.

The Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions. During the Hearing the Parties entered into a mutual agreement to settle the dispute.

Agreed Facts

The tenancy started on December 1, 2014. Rent of \$780.00 is payable monthly. At the outset of the tenancy the Landlord collected \$390.00 as a security deposit. July 2015 rent has been paid. Rent has not been paid for August 2015 however the Tenant intends to resolve this matter immediately.

Settlement Agreement

Section 63 of the Act is set out as follows:

- (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order.

The Parties mutually agree as follows:

- 1. The tenancy will end on or before 1:00 p.m. on September 30, 2015; and**
- 2. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Given the authority under the Act, and agreement reached between the Parties during the proceedings, I find that the Parties have settled their dispute. To give effect to this agreement I provide an order of possession to the Landlord for the above time and date. The Tenant's application is dismissed. The Landlord's application is dismissed with leave to reapply for unpaid August 2015 rent and retention of the security deposit.

Conclusion

The dispute has been resolved by mutual agreement as set out above. **I grant** an Order of Possession to the Landlord effective 1:00 p.m. on September 30, 2015.

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 11, 2015

Residential Tenancy Branch

