



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL, MNR, MNSD, FF

### Introduction

This hearing dealt with the landlords' Application for Dispute Resolution seeking a monetary order and an order of possession.

The hearing was conducted via teleconference and was attended by one of the landlords and their agent and the tenant.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for landlord's use of property; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 49, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

During the hearing the parties reached the following settlement:

1. The landlords agree to withdraw their Application for Dispute Resolution;
2. The landlords agree to withdraw the 2 Month Notice to End Tenancy for Landlord's Use of Property issued on July 18, 2015;
3. The tenant agrees to vacate the rental unit on or before December 31, 2015;
4. The tenant agrees to provide \$192.82 to the landlords for current utility charges as soon as possible;
5. The tenant agrees to provide \$675.00 to the landlords for rent owed for October 2015 as soon as possible;
6. The tenant agrees to provide \$675.00 to the landlords for rent for November 2015 as soon as it becomes due;
7. The parties agree that should the tenant find suitable accommodation prior to the start of December 2015 and provides the landlords with notice that she will vacate the rental unit by the end of November 2015 the tenant will not be responsible for the payment of rent for the month of December 2015 (a full 1 Month Notice will not be required);

8. If the tenant does not provide the landlords with a notice of her intent to end the tenancy prior to the end of November 2015 the tenant will remain responsible for the payment of rent for December 2015; and
9. The landlords agree to return the full security deposit of \$325.00 held to the tenant on or before the tenant vacates the rental unit.

### Conclusion

In support of this settlement and with agreement of both parties I grant the landlord an order of possession effective **December 31, 2015 after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

Also in support of the settlement and with agreement of both parties I grant the landlord a monetary order in the amount of **\$867.82** comprised of \$675.00 rent owed for October 2015 and \$192.82 for the current utilities owed.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

As to the remaining amounts, as they are not yet owed to the landlord I cannot issue a monetary order for either the rent for November or December 2015. However, if these payments are not made in accordance with this settlement the landlords remain at liberty to file a new Application for Dispute Resolution seeking a monetary order, after the amounts become due.

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: October 29, 2015

---

Residential Tenancy Branch

