



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, MNR, MNDC, FF  
MNDC, OLC, FF

### Introduction

This hearing concerns 2 applications:

- i) by the landlord for an order of possession for unpaid rent / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee; and
- ii) by the tenant for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / and recovery of the filing fee.

Both parties attended and gave affirmed testimony. However, the parties were highly argumentative and persisted in talking over one another.

### Issue(s) to be Decided

Whether either party is entitled to any of the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

The unit which is the subject of this dispute is 1 room located within a 3 storey house. The tenant has shared access to kitchen and bathroom facilities with others who also rent rooms in the house. The landlord himself is a renter, and he sublets the subject room to the tenant. The owner of the house resides elsewhere.

There is no written tenancy agreement for this tenancy which began on November 01, 2015. Monthly rent of \$575.00 is due and payable in advance on the first day of each month, and a security deposit of \$280.00 was collected.

The landlord claims that he served the tenant with a 10 day notice to end tenancy for unpaid rent dated February 02, 2016. The tenant claims she was not served. Further, the landlord claims that no rent was paid for February or March 2016. The tenant disputes that rent was not paid for February 2016, however, she acknowledges that no rent has thus far been paid for March 2016.

The tenant filed her application for dispute resolution on February 01, 2016, and subsequently filed an amended application on February 04, 2016. In her application the tenant seeks compensation in the total amount of \$25,000.00 for what can broadly be described as an alleged breach of the right to quiet enjoyment, in addition to recovery of the filing fee. Further to the original application and the amended application, there is no documentary evidence before me from the tenant.

The landlord filed his application for dispute resolution on February 10, 2016. In his application the landlord seeks an order of possession and compensation which includes, but is not limited to, unpaid rent and recovery of the filing fee. The landlord has submitted certain documentary evidence in support of his application.

During the hearing the parties undertook to resolve the dispute.

### Analysis

Section 63 of the Act addresses the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion led to a resolution and it was specifically agreed as follows:

### **RECORD OF SETTLEMENT**

- that the tenant will vacate the unit as soon as possible, but by no later than **April 15, 2016**, and that an **order of possession** will be issued in favour of the landlord to that effect;
- that both parties **withdraw** their respective applications for compensation, including recovery of the filing fee;
- that for both parties the above particulars comprise **full and final settlement** of all aspects of the dispute which are currently before me.

Conclusion

The dispute before me is settled pursuant to the **RECORD OF SETTLEMENT**.

I hereby issue an **order of possession** in favour of the landlord effective not later than **April 15, 2016**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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: March 16, 2016

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Residential Tenancy Branch

