



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MDSD & FF

Introduction

The Application for Dispute Resolution filed by the landlord seeks an Order for Possession based on a notice to end tenancy given by the tenant.

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. The parties acknowledged they had received the documents of the other party.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the tenant on February 23, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an Order for Possession?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on September 1, 2014, continue for one year and become month to month after that. The rent is \$1000 per month payable on the last day of the previous month. The tenant paid a security deposit of \$500 and a pet damage deposit of \$500 at the start of the tenancy.

The landlord had plans to demolish the rental unit. On December 30, 2015 the tenant gave the landlord written notice he was vacating the rental unit on or before February 25, 2016. The tenant was unable to leave for health reasons.

Settlement:

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 May 20, 2016.
- b. The parties request the arbitrator issue an Order for Possession for that date.
- c. The tenant is entitled to live in the rental unit from May 1, 2016 to May 20, 2016 rent free.

Analysis - Order of Possession:

As a result of the settlement I issued an Order for Possession effective May 20, 2016.

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.

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: April 12, 2016

Residential Tenancy Branch