



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was convened by way of conference call concerning an application made by the landlord for an Order of Possession and a monetary order for unpaid rent.

The landlord's application was adjudicated upon by the director, Residential Tenancy Branch on March 7, 2016 by way of the Direct Request process, and the landlord was successful in obtaining an Order of Possession and a monetary order for unpaid rent. The tenant was successful with an application for this Review Hearing on March 17, 2016.

The parties both attended the hearing, during which the parties agreed to settle this dispute in the following terms:

1. The landlord will have an Order of Possession effective May 7, 2016 at 1:00 p.m. and the tenancy will end at that time;
2. The landlord withdraws the monetary claim for unpaid rent;
3. The landlord will return the \$350.00 security deposit to the tenant on May 7, 2016, and the tenant will provide the landlord with a receipt signed by both parties.

Analysis

The *Residential Tenancy Act* states that following a review hearing, I may confirm, vary or set aside the original Decision and/or Order(s). In consideration of the settlement reached by the parties, I hereby set aside the monetary order made on March 7, 2016, and I vary the Order of Possession granted on March 7, 2016 to show that vacant possession of the rental unit will be granted to the landlord effective May 7, 2016 at 1:00 p.m. I further order the landlord to return the \$350.00 security deposit to the tenant on May 7, 2016, and if the landlord fails to do so, the tenant will be at liberty to apply for monetary compensation.

Conclusion

For the reasons set out above, the monetary order made by the director on March 7, 2016 is hereby set aside, as withdrawn by the landlord.

I hereby vary the Order of Possession made by the director on March 7, 2016, making the effective date of vacancy May 7, 2016 at 1:00 p.m., and the tenancy will end at that time.

I further order the landlord to return the \$350.00 security deposit to the tenant on May 7, 2016, and I order the tenant to provide the landlord with a receipt signed by both parties. If the landlord fails to do so, the tenant will be at liberty to apply for monetary compensation.

These orders are final and binding and may be enforced.

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 27, 2016

Residential Tenancy Branch