



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, CNR, MNSD, MNDC, OPR, MNR, FF

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 March 31, 2016 with an amendment made April 4, 2016 for:

1. An Order cancelling notices to end tenancy - Sections 46 and 47;
2. More time to make the application to cancel notices to end tenancy - Section 66;
3. A Monetary Order for compensation - Section 67;
4. An Order for the return of the security deposit - Section 38; and
5. An Order to recover the filing fee for this application - Section 72.

The Landlord applied on April 5, 2016 for:

1. An Order of Possession - Section 55;
2. An Order for unpaid rent or utilities - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant and Landlord were each given full opportunity under oath to be heard, to present evidence and to make submissions.

At the onset of the hearing it was confirmed that the Tenants moved out of the unit on April 30, 2016 and that the unit had been purchased by a 3rd party with a possession date of April 1, 2016. The claims of each Party were reviewed and the Tenant’s claim for return of the security deposit was dismissed with leave to reapply as the claim was made before the tenancy ended. As the Tenants had moved out of the unit and as the

Landlord no longer required possession of the unit, the Tenants' claims for more time and to cancel the notices were dismissed as was the Landlord's claim for an order of possession. The only claims remaining were the Landlord's claim for unpaid rent and the Tenants' claim for compensation. After each Party gave their evidence the Parties agreed to each withdraw these claims against each other to mutually resolve the dispute.

Section 63 of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order. Given the mutual agreement between the Parties to withdraw their monetary claims against each other I find that the dispute has been settled and that as a result this matter is concluded.

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: May 05, 2016

Residential Tenancy Branch