



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MT, CNR, AAT, FF

Introduction

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 July 12, 2016 for:

1. More time to make an application cancel a notice to end tenancy - Section 66;
2. An Order cancelling a notice to end tenancy - Section 46;
3. An Order allowing access to the unit for the tenants' guests - Section 70; and
4. An Order to recover the filing fee for this application - Section 72.

The Landlord applied on July 13, 2016 for:

1. An Order of Possession - Section 55;
2. An Order for unpaid rent or utilities - Section 67; and
3. An Order to retain the security deposit - Section 72.

Both Parties attended the conference call hearing and gave evidence under oath. During the hearing the Parties reached an agreement to resolve the dispute.

Preliminary Matter

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure provides that claims made in an application must be related to each other and may be dismissed with leave to reapply. As the Tenants' claim in relation to guests is not related to the matter of unpaid rent and possession of the unit I dismiss this claim with leave to reapply.

Agreed Facts

The tenancy began on May 1, 2016. Rent of \$1,150.00 is payable on the first day of each month. The Tenants are also required to pay 1/3 the cost of utilities. At the outset of the tenancy, the Landlord collected \$525.00 as a security deposit.

Settlement Agreement

The Parties mutually agree as follows:

- 1. On August 25, 2016 the Tenants will:**
 - **Give the Landlord a cheque to pay outstanding rent of \$120.00 and utility costs for the period May 9 to June 6, 2016 inclusive of \$145.25; and**
 - **Give the Landlord a post-dated cheque for September 2016 rent;**
- 2. The tenancy will end on or before 1:00 p.m. on September 30, 2016; and**
- 3. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

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 order.

Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above. In order to give effect to the agreement I provide the Landlord with a monetary order for \$265.25 and an order of possession effective 1:00 p.m. on September 30, 2016.

Conclusion

I grant the Landlord an order under Section 67 of the Act for **\$265.25**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

I grant an Order of Possession to the Landlord effective 1:00 p.m. September 30, 2016.

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: August 26, 2016

Residential Tenancy Branch