



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPR, MNR, MNDC, MNSD, FF, CNC,

Introduction

The Application for Dispute Resolution filed by the landlords makes the following claims:

- a. An Order for Possession for cause and non-payment of rent
- b. A monetary order in the sum of \$2500 for unpaid rent
- c. An order to retain the security deposit
- d. An order to recover the cost of the filing fee

The Application for Dispute Resolution filed by the Tenants makes the following claims:

- a. An order cancelling a one month Notice to End Tenancy dated June 17, 2016
- b. An order that the tenant recover the cost of the filing fee

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 one month Notice to End Tenancy was served on the Tenant by mailing, by registered mail to where the Tenant resides on June 17, 2016. I find that the 10 day Notice to End Tenancy was served on the Tenant by mailing, by registered mail to where the Tenant resides on June 13, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was served on the Tenant by mailing by registered mail to where the Tenant resides on June 28, 2016. I find that the Application for Dispute Resolution/Notice of Hearing filed by the Tenant was served on the landlord by mailing, by registered mail to where the landlord resides on June 24, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated June 17, 2016?
- b. Whether the tenant is entitled to recover the cost of the filing fee?
- c. Whether the landlord is entitled to an Order for Possession?
- d. Whether the landlord is entitled to A Monetary Order and if so how much?
- e. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- f. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a fixed term written tenancy agreement that provided that the tenancy would start on May 17, 2015 and end on May 16 2017 and become month to month after that. The rent is \$2500 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$1250 on May 15, 2015.

The rent for July has been paid in full. The tenants have tendered a cheque for August 2016 rent but it has not cleared the bank as of yet.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Act as follows:

- a. The parties mutually agree to end the tenancy on September 30, 2016.
- b. The parties request that the arbitrator issue an Order for Possession effective September 30, 2016.
- c. The parties agree the tenants are responsible to pay the rent for the months of August and September 2016.

As a result of the settlement I issued an Order for Possession effective September 30, 2016. All other claims in the respective applications are dismissed.

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: August 04, 2016

Residential Tenancy Branch