



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION AND RECORD OF SETTLEMENT

Dispute Codes OPR, MNR, MNDC, MNSD, FF; CNR, MNR, MNDC, MNSD, ERP, LRE, OLC, PSF, RP, RR, 72

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

This hearing also addressed the tenant's cross application for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46;
- a monetary order for money owed or compensation for damage or loss under the *Act, Regulation* or tenancy agreement pursuant to section 67;
- authorization to obtain a return of all or a portion of the security deposit pursuant to section 38;
- an order to the landlord to make emergency repairs to the rental unit pursuant to section 33;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- an order requiring the landlord to comply with the *Act, Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 62;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Section 63 of the *Act* provides that if the parties settle their dispute during a hearing the Director may record the settlement in the form of a decision or an order.

Pursuant to the above provision, discussion between the parties during the hearing led to a settlement / resolution. Specifically, the parties agreed and confirmed as follows;

1. The tenant and landlord agree that this tenancy will end no later than Sunday, September 11, 2016 at 1:00 p.m.;
2. The landlord will receive an order of possession effective Sunday, September 11, 2016 at 1:00 p.m.;
3. The tenant and landlord agree the landlord will retain the security deposit in the amount of \$2,750.00 and the pet deposit in the amount of \$2,750.00 for a total amount of \$5,500.00; and
4. The tenant and landlord agree they each absorb the cost of their own filing fee and withdraw the remaining portions of their respective claims.

So as to perfect this settlement agreement, I grant the landlord an order of possession, effective 1:00 p.m. September 11, 2016. The tenant must be served with this order. If the landlord serves the order of possession on the tenant and the tenant fails to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that court.

The above particulars comprise **full and final settlement** of all aspects of the dispute arising from this application.

This Decision and Settlement Agreement is final and binding on both parties.

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: September 07, 2016

Residential Tenancy Branch

