



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPL, MNDC, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, for an order of possession. The landlord also applied for a monetary order for unpaid rent and the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Does the tenant owe the landlord rent?

Background and Evidence

The tenancy started on July 01, 2015. The monthly rent was \$1,000.00, due on the first of each month. On June 24, 2016 the landlord served the tenant with a notice to end tenancy for landlord's use of property with an effective date of August 31, 2016. The tenant did not dispute the notice and continues to occupy the rental unit, as of the date of this hearing – September 20, 2016.

The tenant agreed that she had received rent free stay for the month of August pursuant to compensation for s49 notice and also agreed that she had not paid rent for September. The landlord's claim was discussed at length. During the hearing, both parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle their dispute. Specifically, both parties agreed to the following:

- The tenant agreed to move out by **1:00 p.m. on October 01, 2016**.
- The landlord agreed to extend the tenancy until October 01, 2016. An order of possession will be issued to the landlord effective this date.
- The tenant agreed that she owed the landlord **\$1,000.00** in unpaid rent. A monetary order will be issued to the landlord for this amount.
- The landlord agreed not to enforce the monetary order if the tenant moved out on October 01, 2016.
- Both parties stated that they understood and agreed that these particulars comprise the full and final settlement of all aspects of this dispute for both parties.

Pursuant to the above agreement and section 55(2) of the *Residential Tenancy Act*, I am issuing a formal order of possession effective at 1:00 pm on October 01, 2016. The Order may be filed in the Supreme Court for enforcement.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the landlord's request to recover the filing fee paid for this application.

Ppursuant to the above agreement, I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$1,000.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective at **1:00 p.m. on October 01, 2016** and a monetary order in the amount of **\$1,000.00**.

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 20, 2016

Residential Tenancy Branch