



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPL, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the "Act") for Orders as follows:

1. An Order of possession - Section 55; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions. During the hearing the Parties entered into a mutual agreement to settle the matter of possession of the unit along with the payment of rent to the Landlord and the payment of compensation to the Tenant.

Stated Facts

The tenancy started in February 2015. Rent of \$1,650.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$850.00 as a security deposit. On July 26, 2016 the Landlord served the Tenant with a two month notice to end tenancy for landlord's use (the "Notice"). The Notice carries an effective date of September 30, 2016. The Tenant did not dispute the Notice and has not moved out of the unit. The Landlord has been staying with a friend since not being able to move into the unit. The Tenant has not paid any rent for October 2016. The Tenant has purchased a home and the possession date is November 10, 2016. The Tenant has no place to live pending the possession date if the Tenant has to move out of the unit.

Settlement Agreement

The Parties mutually agree as follow:

1. **The Tenant will move out of the unit no later than 1:00 p.m. on November 10, 2016;**

2. The Tenant will pay rent for October 2015 no later than midnight October 24, 2015;
3. The Tenant will pay rent for November 1 to 10, 2016 inclusive in the amount of \$550.00 no later than midnight October 31, 2016;
4. The Landlord will pay the Tenant \$1,650.00 on November 10, 2016 as compensation for giving the Tenant the Notice;
5. The Landlord will deduct \$100.00 from the security deposit to recover the filing fee; and
6. 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 settlement may be recorded 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 an order of possession. As the Landlord's application had merit I find that the Landlord is entitled to recovery of the filing fee and I order the Landlord to deduct \$100.00 from the security deposit of \$825.00.

Conclusion

The Parties have settled the dispute.

I order the Landlord to deduct \$100.00 from the security deposit of \$825.00 in full satisfaction of the claim.

I grant the Landlord an order of possession effective 1:00 p.m. on November 10, 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: October 24, 2016

Residential Tenancy Branch

