



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, MNR, FF,
CNC, ERP, FF, MNSD, OLC, PSF, RP, RR

Introduction

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

- a. An Order for Possession based on a 2 month Notice to End Tenancy?
- b. A monetary order in the sum of \$1400 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 Tenant makes the following claims:

- a. An order to cancel a one month Notice to End Tenancy
- b. A monetary order in the sum of \$400.
- c. An order that the landlord provide services or facilities required by law
- d. An order that the landlord comply with the Act, regulation and/or the tenancy agreement
- e. 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.

I find that the 2 month Notice to End Tenancy was personally served on the Tenant on August 30, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was filed by each party and was sufficiently served on the other.

Background and Evidence

The parties entered into a tenancy agreement that provided that the tenancy would start on December 15, 2015. The rent is \$800 per month payable on the first day of each month. The tenant paid a security deposit of \$400 at the start of the tenancy.

At the end of August the landlord served a 2 month Notice to End Tenancy for landlord use on the Tenant. The tenant gave notice and vacated the rental unit at the end of September.

The landlord returned the security deposit of \$400 to the Tenant. As well the landlord has given the Tenant the sum of \$800 (the equivalent of one month rent) to satisfy her obligations under section 51(1) of the Residential Tenancy Act.

Issues:

The remaining issues are as follows:

- a. Whether the tenant is entitled to monetary order and if so how much.
- b. Whether the landlord is entitled to a monetary order and if so how much?
- c. Whether either party or both is entitled to recover the cost of the filing fee?

The Application of the Tenant claims the sum of \$400 for compensation she has had for dealing with the condition of the rental unit. The Application of the landlord claims \$1400 for rent of a guest.

Settlement:

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

- a. The landlord waives her monetary claim of \$1400 plus the cost of the filing fee..
- b. The tenant waives her monetary claim of \$400 plus the cost of the filing fee.
- c. This is a full and final settlement and each party releases and discharges the other from all further claims with regard to this tenancy.

As a result of the settlement I ordered that the application of both parties be dismissed without liberty to re-apply.

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 20, 2016

Residential Tenancy Branch