



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

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Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, dated December 22, 2016 (the "Application"). The Tenant applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a notice to end tenancy for landlord's use of property;
- an order suspending or setting conditions on the Landlord's right to enter the rental unit;
- an order that the Landlord return all or part of the security deposit or pet damage deposit; and
- other unspecified relief.

Each of the parties attended the hearing on their own behalf and provided affirmed testimony.

Preliminary and Procedural Matters

At the outset of the hearing, the Tenant was advised that her request for an order that the Landlord return the security deposit would be dismissed with leave to reapply. This aspect of the Tenant's Application was premature as the tenancy had not yet ended. Nothing in the settlement agreement described below detracts from the Tenant's right to the return of the security deposit, or the Landlord to claim against it, in accordance with section 38 of the *Act*.

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised there is no obligation to resolve the dispute through settlement, but that I could assist the parties to reach an agreement, which would be documented in my Decision.

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The parties agree the tenancy will end on February 28, 2017, at 1:00 p.m.
2. The Tenant agrees to vacate the rental unit no later than February 28, 2017, at 1:00 p.m.
3. The Landlord agrees to enter the Tenant's rental unit only in accordance with section 29 of the *Act*.
4. The Tenant agrees to withdraw the Application in full as part of this mutually agreed settlement.

This settlement agreement was reached in accordance with section 63 of the *Act*. As the dispute was resolved through negotiation, I decline to award recovery of the filing fee.

Conclusion

In support of the settlement, and with the agreement of the parties, I grant the Landlord an order of possession, which will be effective on February 28, 2017, at 1:00 p.m. This order may be filed in and enforced as an order of the Supreme Court of British Columbia.

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: January 18, 2017

Residential Tenancy Branch

