



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, CNR, FF (Tenant's Application)
OPR, OPC, MNR, MNDS, MNDC, FF (Landlord's Application)

Introduction

This hearing was convened by way of conference call to determine an application made by the Tenant on February 17, 2017 and an application made by the Landlord on February 27, 2017.

The Tenant applied to: cancel a notice to end tenancy for cause and a notice to end tenancy for unpaid utilities. The Landlord applied for an Order of Possession and a Monetary Order for: unpaid utilities; to keep the Tenant's security deposit; and, for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"), regulation, or tenancy agreement. Both parties also applied to recover their filing fee.

Both parties appeared for the hearing and provided affirmed testimony.

Preliminary Issues and Findings

At the start of the hearing, I asked the Tenant whether she was still residing at the rental unit. The Tenant stated that she was but was going to be vacating on March 31, 2017. The Tenant and Landlord were asked whether there was any objection to the Landlord being issued with an Order of Possession to end the tenancy on March 31, 2017 as this date was a short time period away from the date of this hearing. No objections were raised.

Therefore, I now issue the Landlord with an Order of Possession which is effective at 1:00 p.m. on March 31, 2017. As a result, the Tenant's requests to cancel the two notices to end tenancy were dismissed without leave to re-apply as these are now moot.

With respect to the Landlord's monetary claim, the Landlord withdrew this because the parties committed to meeting together outside of the dispute resolution process to resolve the issue of outstanding utilities and finalise the exact amount owing, if any, as this had not been made clear by either party for this hearing.

As a result, I give the Landlord leave to re-apply for her monetary claim if the parties are not able to resolve the monetary issues between them. The parties were cautioned about the importance of providing clear and explanatory evidence if a dispute on this issue is brought about by the Landlord again.

I informed the parties during the hearing that as they had both agreed to end this tenancy mutually and the Landlord withdrew the monetary claim, I would not be making an award to either party for the recovery of the filing fee. No objections were raised.

Conclusion

The parties agreed that the tenancy will end on March 31, 2017 at 1:00 p.m. The Tenant is to provide the Landlord with vacant possession of the rental unit on or before this date. The Landlord is issued with an Order of Possession effective for this date and time. This order may be filed and enforced in the Supreme Court of British Columbia as an order of that court if the Tenant fails to vacate the rental unit. Copies of the order are attached to the Landlord's copy of this Decision.

The Landlord withdrew the monetary claim which is dismissed with leave to re-apply. The parties request to recover their filing fee from each other was denied.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: March 21, 2017

Residential Tenancy Branch