



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, MDSD & FF

Introduction

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

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$3520 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 the 10 day Notice to End Tenancy dated August 6, 2015
- b. A monetary order in the sum of \$5075 to recover a rent increase not permitted by the Act

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. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present. The parties acknowledged they had received the documents of the other party.

I find that the 10 day Notice to End Tenancy was served on the Tenants by posting on March 13, 2017. I find that the Application for Dispute Resolution filed by each party was sufficiently served on the other.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated March 13, 2017?
- b. Whether the tenant is entitled to a monetary order and if so how much?
- c. Whether the landlord is entitled to an Order for Possession?
- d. Whether the landlord is entitled to A Monetary Order and if so how much?
- e. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?

- f. Whether the landlord is entitled to recover the cost of the filing fee?

Settlement:

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 parties mutually agree to end the tenancy on April 30, 2017.
- b. The parties request the arbitrator issue an Order of Possession for April 30, 2017.
- c. The landlord releases and discharges the tenant from all claims for non-payment of rent that are contained in the Application for Dispute Resolution filed by the landlord.
- d. The Tenants release and discharge the landlord from all claims for an overpayment of rent as set out in the Application for Dispute Resolution filed by the Tenants.

Analysis - Order of Possession:

As a result of the settlement I granted the landlord an Order for Possession effective April 30, 2017..

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee:

I ordered that the claims of the tenants for a monetary order for overpayment of rent from June 2014 to October 2016 and the claim of the landlord for a monetary order for non-payment of rent be dismissed without liberty to re-apply.

Conclusion:

As a result of the settlement I granted an Order of Possession effective April 30, 2017. I dismissed the claims of each party for a monetary order 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: April 10, 2017

Residential Tenancy Branch