



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            CNC, OPC, MND & FF

### Introduction

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

- a. An Order for Possession for cause
- b. A monetary order in the sum of \$6619 for damages
- c. An order to recover the cost of the filing fee

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the one month Notice to End Tenancy dated May 31, 2017.

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 One month Notice to End Tenancy was personally served on the Tenant on May 31, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was filed by the Tenant was personally served on the landlord on June 19, 2017. I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was personally served on the Tenant on July 6, 2017.

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated May 31, 2017
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to A Monetary Order and if so how much?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on June 2, 2014. The present rent is \$819 per month payable in advance on the first day of

each month. The tenant paid a security deposit of \$375 at the start of the tenancy. The rent has been paid for August. The tenant(s) continues to reside in the rental unit. .

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 parties mutually agree to end the tenancy on December 15, 2017.
- b. The parties request the arbitrator issue an Order of Possession for December 15, 2017.
- c. The parties acknowledge that if the tenant finds alternative accommodation he can end the tenancy earlier on the giving on one clear month notice at the end of the rental payment period to be effective at the end of the ensuring rental payment period.

Order of Possession::

As a result of the settlement I granted an Order of Possession effective December 15, 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 dismissed the landlord's application for a monetary order with liberty to re-apply as that claim is premature. It is possible the tenant will repair any damage during the remainder of the tenancy. All other claims are dismissed.

**This decision is final and binding on the parties.**

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: August 14, 2017

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Residential Tenancy Branch