



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, FF

Introduction

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. An Order for Possession based on a mutual agreement to end the tenancy
- b. An Order to 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. 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.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on August 21, 2017. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The parties entered into a written month to month tenancy agreement that provided that the tenancy would start on May 1, 2014. The present rent is \$800 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$350 at the start of the tenancy.

On April 30, 2017 the parties signed a mutual agreement in writing to end the tenancy on June 30, 2017.

The tenant does not dispute that the landlord has a legal right to an Order of Possession. However, he has been unable to find new accommodation and sought an extension to the end of November 2017.

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 November 30, 2017.
- b. The parties request the arbitrator grant an Order of Possession for November 30, 2017.
- c. The landlord waives his claim for the cost of the filing fee.

Analysis - Order of Possession:

As a result of the settlement I granted an Order of Possession effective November 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.

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: October 11, 2017

Residential Tenancy Branch