



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPC, FFL

### **Introduction:**

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

- a. An Order of Possession for cause
- 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 one month Notice to End Tenancy was served on the Tenant by posting on May 14, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant. With respect to each of the applicant's claims I find as follows:

### **Issues to be Decided:**

The issues to be decided are as follows:

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

### **Background and Evidence:**

The tenancy began on July 21, 2015. The present rent is \$889 per month payable in advance on the first day of each month. The tenancy agreement provides that the Tenant paid a security deposit of \$412.50 and a pet damage deposit of \$412.50 at the start of the tenancy.

The tenant has not filed an Application to Dispute the Notice to End Tenancy and the time to do so has expired.

Settlement:

The parties reached a settlement at the hearing and they asked that I record the settlement pursuant to section 63(2) of the Act as follows:

- a. The parties mutually agree to end the tenancy on August 15, 2018.
- b. The parties request that the arbitrator issue an Order of Possession for August 15, 2018.
- c. The parties acknowledge the tenant is responsible to pay the rent for the period August 1, 2018 to August 15, 2018 and agrees to pay the rent after the landlord provides an accounting of what is owed.

Order for Possession:

As a result of the settlement I granted the landlord an Order for Possession effective August 15, 2018. The landlord agreed to waive the cost of the filing fee of this application. If the parties are unable to agree to how much is owed either party has a right to file an Application for Dispute Resolution to have that issue adjudicated. .

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: July 24, 2018

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Residential Tenancy Branch