



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC, FFT, MNDCT, OLC

### **Introduction:**

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

- a. An order to cancel the one month Notice to End Tenancy dated July 19, 2018
- b. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.
- c. A monetary order in the sum of \$125.
- d. 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.

At the start of the hearing the parties entered into settlement negotiations and they reached a settlement which they asked that I record.

I find that the one month Notice to End Tenancy was served on the Tenant by posting on July 19, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the Tenant was served on the landlord by mailing by registered mail to where the landlord carries on business. 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 tenant is entitled to an order cancelling the Notice to End Tenancy dated July 19, 2018?
- b. Whether the tenant is entitled to an order that the landlord comply with the Act, Regulations and/or tenancy agreement?
- c. Whether the tenant is entitled to a monetary order and if so how much?
- d. Whether the tenant is entitled to recover the cost of the filing fee?

### **Background and Evidence:**

The parties entered into a fixed term tenancy agreement that provided that the tenancy would start on December 1, 2017 and end on November 30, 2018. The rent was \$1070 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$530 and a pet damage deposit of \$530 at the start of the tenancy.

Settlement:

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

- a. The parties mutually agree to end the tenancy on October 31, 2018.
- b. The parties request that the arbitrator issue an Order of Possession for October 32, 2018.
- c. The landlord releases and discharges the tenant from their right to claim for loss of rent for the unexpired portion of the fixed term (the month of November 2018).
- d. The security deposit and pet damage deposit shall be dealt with in accordance with the Residential Tenancy Act.

Order for Possession:

As a result of the settlement I granted the landlord an Order for Possession effective October 31, 2018. All other claims in this application are dismissed.

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: September 18, 2018

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Residential Tenancy Branch