



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, FFL

### Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on August 11, 2020, wherein the Landlord sought an Order of Possession based on an undisputed 1 Month Notice to End Tenancy for Cause issued on July 29, 2020 (the "Notice") as well as recovery of the filing fee.

The hearing of the Landlord's Application was scheduled for teleconference at 11:00 a.m. on September 28, 2020. Both parties called into the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

### Settlement and Conclusion

At the outset of the hearing the Tenant advised he had secured alternate accommodation and would move from the rental unit by September 30, 2020. The Landlord's Agent confirmed the Landlord was agreeable to the Tenant vacated the rental unit at that time.

I therefore record the terms of this agreement in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter. The terms of their settlement follow.

Settlement and Conclusion

1. The tenancy shall end and the Tenant shall vacate the rental unit by no later than **1:00 p.m. on September 30, 2020.**
2. The Landlord is granted an Order of Possession effective **1:00 p.m. on September 30, 2020.** The Landlord must serve the Order on the Tenant as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.

As the Tenant stayed in the rental unit beyond the effective date of the Notice, **I grant the Landlord recovery of the 100.00 filing fee.** Pursuant to sections 38 and 72 of the *Act* I authorize the Landlord to retain \$100.00 from the Tenant's \$500.00 security deposit. The balance of \$400.00 shall be dealt with in accordance with section 38

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 28, 2020

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Residential Tenancy Branch