



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for unpaid rent or utilities and to recover the filing fee from the landlord for the cost of the application.

The tenant and the landlord attended the hearing and each gave affirmed testimony. The parties were also given the opportunity to question each other and give submissions.

At the conclusion of the hearing, the parties agreed to settle this dispute in the following terms:

1. the tenant will pay rent for September, 2020 in full in the amount of \$975.00;
2. if the tenant pays that amount the parties will upload a copy of a receipt in that amount to the Residential Tenancy Branch dispute resolution system; and
3. the landlord will have an Order of Possession effective at 1:00 p.m. on January 31, 2021;
4. the landlord will waive the liquidated damages clause in the tenancy agreement.

Both parties have now uploaded a copy of the receipt for September, 2020 rent in the amount of \$975.00. Therefore, by consent, I grant an Order of Possession in favour of the landlord effective at 1:00 p.m. on January 31, 2021.

I also order that liquidated damages may not be enforced as against the tenant.

Since the parties have settled this dispute, I decline to order that the tenant recover the filing fee from the landlord.

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.

Conclusion

For the reasons set out above, and by consent, I hereby grant an Order of Possession in favour of the landlord effective at 1:00 p.m. on January 31, 2021.

I further order that the landlord may not enforce a liquidated damages clause as against the tenant.

This order is final and binding.

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: November 30, 2020

Residential Tenancy Branch