



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MND, CNC, OLC, FF

Introduction

This hearing was convened by way of conference call in response to applications filed by the landlord and by the tenant. The landlord has applied for an Order of Possession for cause; for a monetary order for damage to the unit, site or property; and to recover the filing fee from the tenant for the cost of the application. The tenant has applied for an order cancelling a notice to end tenancy for cause; for an order that the landlord comply with the *Act*, regulation or tenancy agreement; and to recover the filing fee from the landlord for the cost of the application.

Both parties attended the conference call hearing.

During the course of the hearing the parties agreed to settle this dispute on the following conditions:

1. The tenancy will end on June 30, 2012 and the landlord will have an Order of Possession effective June 30, 2012 at 1:00 p.m.;
2. The tenant will not pay any rent to the landlord for the month of June, 2012 because the landlord intends to use the rental unit for the landlord's family;
3. The parties will attend the rental unit together on June 30, 2012 at 1:00 p.m. to conduct the move-out condition inspection report.

Since the parties have been able to settle this dispute, I decline to order that either party recover the filing fee from the other party for the costs of the applications.

With respect to the landlord's application for damage to the unit, site or property, I find that the application is premature, and I dismiss that portion of the application with leave to reapply.

Conclusion

For the reasons set out above, I hereby grant an Order of Possession in favour of the landlord effective June 30, 2012 at 1:00 p.m.

I further order the parties to comply with the settlement agreement described above.

The landlord's application for a monetary order for damage to the unit, site or property is hereby dismissed with leave to reapply.

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: May 09, 2012.

Residential Tenancy Branch