



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPT

Introduction

This hearing dealt with an application by the tenant for an order of possession after the landlord changed the locks to the rental unit. Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Is the tenant entitled to an order of possession?

Background and Evidence

The tenancy started approximately six years ago. On October 31, the parties entered into a mutual agreement to end the tenancy effective November 30, 2012. The tenant stated that in a letter dated November 07, 2012, he informed the landlord that he was unable to move out on November 30. The landlord stated that she did not receive the letter.

On November 30, while the tenant was away from the unit around 2:00 pm, the landlord changed the locks, thereby locking the tenant out of the rental unit. The tenant described the hardship he endured from the elements while he was homeless and seeking shelter.

During the hearing the parties engaged in conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle their dispute on the following terms:

- The landlord agreed to pay the tenant \$400.00 as compensation for the hardship he endured.
- The tenant agreed to accept \$400.00 in full and final settlement of all claims against the landlord. A monetary order in this amount will be granted to the tenant.
- The tenant agreed to hand over the keys to the building within one week from the day of the hearing (December 18, 2012)
- The landlord agreed to store the tenant's belongings in safe indoor storage until March 31, 2013
- The tenant agreed to remove all belongings on or before March 31, 2013.
- Both parties stated that they agreed and understood that these particulars comprise the full and final settlement of all aspects of this dispute for both parties

Conclusion

I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act* for the amount of \$400.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: December 18, 2012.

Residential Tenancy Branch