



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MT, CNL, MNDC, OLC, FF; OPL

Introduction

This hearing concerns the tenant's application for more time to make an application to cancel a notice to end tenancy / cancellation of a 2 month notice to end tenancy for landlord's use of property / a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / and recovery of the filing fee.

Both parties attended and gave affirmed testimony, and the landlord confirmed that he seeks an order of possession.

Issue(s) to be Decided

Whether the tenant is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement for this tenancy which began on February 1, 2013. Monthly rent is \$550.00. No security or pet damage deposit was collected.

The landlord issued a 2 month notice to end tenancy for landlord's use of property by date of April 4, 2013, a copy of which is not in evidence. The landlord testified that he served the notice by way of the unit mailbox on that same date. The tenant testified that the notice came to his attention in May 2013 after he returned from being away from the City. The tenant filed his application to dispute the notice on June 19, 2013, and he presently continues to reside in the unit.

The tenant also testified that hydro had been cut off to the unit, and that certain of his frozen foodstuffs were spoiled and had to be discarded as a result. The landlord agreed that the hydro had been in his name and that he ultimately discontinued payment as he considered it to be the tenant's responsibility.

Both parties appeared to agree that all rent due has not presently been paid.

During the hearing the parties undertook to resolve their dispute.

Analysis

Section 63 of the Act speaks to the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion led to a resolution. Specifically, it was agreed as follows:

RECORD OF SETTLEMENT

- that the tenant will vacate the unit by not later than **Wednesday, July 31, 2013**, and that an **order of possession** will be issued in favour of the landlord to that effect;
- that the tenant withdraws all aspects of his current application for dispute resolution;
- that the landlord undertakes not to file an application for dispute resolution against the tenant in regard to this tenancy, specifically in relation to a claim for unpaid rent or utilities.

Conclusion

The tenant's application is withdrawn.

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Wednesday, July 31, 2013**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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: July 18, 2013

Residential Tenancy Branch