



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, OPN, MNR

Introduction

This hearing convened as a Landlord's Application for Dispute Resolution wherein the Landlord sought an order of Possession based on a breach of the tenancy agreement and the Tenant's notice to end tenancy as well as monetary compensation for unpaid rent.

Both parties appeared at 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.

Preliminary Matters

The Landlord noted on the Landlord's Application for Dispute Resolution was in fact the Property Manager. Pursuant to section 64(3)(c) of the *Residential Tenancy Act* and Rule 4.2 of the *Residential Tenancy Branch Rules of Procedure* I amend the Landlord's Application to properly name the Landlord as A.P.

Further, the Tenant vacated the rental unit on April 28, 2017 such that an Order of Possession was no longer required.

Settlement and Conclusion

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded 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. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims.

The terms of their settlement follow.

1. The Landlord shall be entitled to retain the Tenant's \$950.00 security deposit.
2. The Tenant is to be credited the sum of \$950.00 pursuant to section 38 of the *Act*.
3. The Tenant shall, by no later than 4:00 p.m. on Friday October 6, 2017, pay the sum of \$443.34 to the Landlord.
4. The parties agree that the above is a full and final settlement of all claims arising from the tenancy.

I grant the Landlord a Monetary Order in the amount of **\$443.34**. The Monetary Order may be filed in the Provincial Court (Small Claims) 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: October 3, 2017

Residential Tenancy Branch