



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: CNR, FF

Introduction

This hearing dealt with an application from the tenant for cancellation of the landlord's 10 day notice to end tenancy for unpaid rent, and recovery of the filing fee. Both parties participated in the hearing and each gave affirmed testimony.

Issues to be Decided

- Whether the tenant is entitled to cancellation of the landlord's notice to end tenancy and/or recovery of the filing fee

Background and Evidence

During the hearing the parties engaged in discussion which centred mainly around evidence submitted by the landlord. The landlord's evidence comprised a one page financial statement showing details of the tenant's rent payments from April 2008 to the present, in addition to fees assessed for NSF cheques and late payment of rent.

Analysis

Pursuant to section 63 of the *Act*, by way of their discussion the parties achieved a settlement of this dispute. Specifically, it was agreed as follows:

- that HENCEFORTH and in compliance with the residential tenancy agreement, the tenant undertakes to pay all rent due at the beginning of each month;
- that HENCEFORTH the tenant will pay monthly rent by way of Interac;

- that in exchange for the tenant's undertaking to pay monies owed in the amount of **\$220.56** (as shown on the landlord's 10 day notice to end tenancy for unpaid rent dated December 23, 2008), the landlord declines the option of requesting an order of possession arising from this 10 day notice;
- that the tenant undertakes to pay the outstanding amount of **\$220.56** by way of four installment payments on the 15th of each month using Interac as follows:
 - i) **\$50.00** on February 15, 2009
 - ii) **\$50.00** on March 15, 2009
 - iii) **\$50.00** on April 15, 2009
 - iv) **\$70.56** on May 15, 2009
- that HENCEFORTH the tenant undertakes to ensure that her monthly rent payments will be both, in the full amount due and paid on the first day of each month, such that no fees will accrue for NSF cheques or late payment of rent.

Pursuant to all of the above, I grant the landlord a monetary order under section 67 of the *Act* for **\$220.56**, and I dismiss the tenant's application for recovery of the filing fee.

Conclusion

I hereby grant the landlord a monetary order under section 67 of the *Act* for **\$220.56**. Should the tenant fail to comply with the above agreement, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: January 30, 2009

Dispute Resolution Officer