



# Dispute Resolution Services

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

## **Decision**

**Dispute Codes:** OPR, CNR, MNR, MNSD, FF

## **Introduction**

This hearing dealt with two applications: 1) from the landlord for an order of possession, a monetary order for unpaid rent or utilities, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee; 2) from the tenant to dispute a rent increase, and cancellation of the notice to end tenancy. Both parties participated in the hearing and gave affirmed testimony.

## **Background and Evidence**

During the hearing the parties gave different accounts of what agreements had been reached between them in regard to the payment of monthly rent and utilities. Other disagreements spanned a range of matters which included, but were not limited to, disputes around whether the tenant's signature on a rental agreement was or was not hers, and whether on January 20, 2009 the tenant made cash payment of \$500.00 in person to the landlord toward the monthly rent which is understood to be \$850.00. However, the parties agreed that the landlord collected a security deposit near the start of tenancy in the amount of \$425.00.

## **Analysis & Decision**

Pursuant to section 63 of the *Act* the conversation between the parties during the hearing led to a resolution. As full and final settlement of all aspects of this dispute for both parties, specifically, it was agreed and I hereby order as follows:

- that an order of possession will be issued in favour of the landlord to be effective on or before 1:00 pm, February 28, 2009;

- that the tenant will pay \$850.00 in cash to the landlord by no later than midnight on February 20, 2009 as rent for February 2009;
- that the landlord will issue a receipt to the tenant immediately upon receiving the above cash payment for rent;
- that the landlord will retain the full amount of the security deposit of \$425.00 plus interest after the end of tenancy, in consideration of any and all outstanding rent and utilities that may exist from the start of tenancy in 2008 to its conclusion on February 28, 2009.

### **Conclusion**

Pursuant to the above agreement I hereby issue an order of possession in favour of the landlord effective on or before **1:00 pm, February 28, 2009**. 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.

I hereby grant the landlord a monetary order under section 67 of the *Act* for **\$850.00**. 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: February 11, 2009

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Dispute Resolution Officer