



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: OPR, MNR, MNSD, & FF

Introduction:

This hearing dealt with an application by the landlord seeking an Order of Possession and a monetary claim due to non-payment of rent by the tenants. Both parties appeared and had the opportunity to be heard and respond to the evidence of the other party.

Issue to be Determined:

Is the landlord entitled to an Order of Possession?

Conclusion:

It was not disputed that the tenants received a 10 day Notice to End Tenancy due to non-payment of rent or that there is a current outstanding balance of \$2,417.00 owed to the landlord. It was also determined that the tenants conclusively accepted the end of the tenancy by failing to pay the full outstanding rent or filing an application to dispute the notice within five days after receiving the notice pursuant to section 46(5) of the *Act*. On this basis the landlord is entitled to an Order of Possession.

The parties, pursuant to section 63 of the *Act*, have reached a mutual agreement which will reinstate the tenancy on the following terms:

1. The tenants must comply with the tenancy agreement and make the full rent payment of \$1,400.00 owed per month by the 1st or 2nd of each month beginning March 1, 2009 and thereafter; and
2. The tenants must begin repayment of the rental arrears by making payments of \$600.00 each month on the 15th of the month beginning March 15, 2009 and thereafter until the rental arrears are paid in full.

In enforcement of this settlement the landlord is issued an Order of Possession effective **five (5) days** after it is served upon the tenants. This Order may be served if the above agreement is not met by the tenants. The Order is effective and enforceable for four months from the date of the Order.

The landlord withdrew their request to recover the filing fee for this application from the tenants.

Conclusion:

The parties have reached a mutual agreement to allow the tenancy to continue and developed an agreement to have the rental arrears recovered. The landlord has

received an Order of Possession which can be enforced over the next four months if the agreement is not met.

Dated February 25, 2009.

Dispute Resolution Officer