

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 pursuant to the *Residential Tenancy Act* for orders as follows:

- An order of possession pursuant to Section 55;
- A monetary order for rent owed by the tenant, pursuant to Section 67;
- A monetary order to retain the security deposit in partial satisfaction of the claim, pursuant to Section 38;
- An order to recover the cost of filing this application, pursuant to Section 72.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

Issues to be decided

- Is the landlord entitled to an order of possession for unpaid rent?
- Is the landlord entitled to a monetary order for unpaid rent and the filing fee?

Background and Evidence

Based on the affirmed testimony of both parties the agreed upon facts are as follows: The tenancy started on October 30, 2006. The monthly rent is \$777.75 due in advance on the first day of the month. The tenant failed to pay \$121.00 owed in back rent and on January 05, 2009, the landlord served the tenant in person, with a notice to end tenancy. On January 31, 2009, the tenant paid the landlord \$777.75 for February rent and the landlord issued a receipt for use and occupancy only, to the tenant. The tenant failed to pay rent for March 2009 and the landlord is applying for an order of possession and a monetary order for \$973.75 which includes unpaid rent of \$898.25, a late fee of \$25.00 and the filing fee of \$50.00.

Analysis

Pursuant to section 63 of the *Act*, during the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute. Specifically, it was agreed as follows, that:

- The tenant will pay to the landlord \$973.75 on or before March 16, 2009.
- The landlord agrees to let the tenancy continue, if the tenant pays \$973.75 on or before March 16, 2009.
- The parties agree that an order of possession effective two days after service on the tenant, will be issued, but will not be served on the tenant nor enforced if the tenant is in compliance with the above agreement and pays \$973.75 to the landlord on or before March 16, 2009.
- The parties will exercise any additional goodwill and spirit of cooperation necessary in regard to the above undertakings, which might be required to achieve a positive landlord – tenant relationship.

Conclusion

Pursuant to the above agreement, I hereby issue an order of possession in favor of the landlord effective two days after service on the tenant. This Order may be filed in the Supreme Court for enforcement if necessary. I also grant the landlord a monetary order pursuant to the above agreement in the amount of **\$973.75**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 10, 2009.

Dispute Resolution Officer