

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, MNDC, 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;
- An order to recover the cost of filing this application, pursuant to Section 72.

The ten day notice to end tenancy dated January 14, 2009 was served on the tenant, in person, on January 19, 2009. 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 facts are as follows:

The tenancy started on or about September 01, 2005. The monthly rent is \$850.00 due in advance on the first day of the month. The landlord stated that the tenant failed to pay rent for January 2009 and was served with a ten day notice to end tenancy. Since then, the tenant has paid rent for January and part February. Both parties agreed that the tenant owes \$50.00 for February and \$850.00 for March 2009 for a total of \$900.00. The landlord is applying for an order of possession and a monetary order in the amount of \$950.00 which includes 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, outstanding rent and the filing fee, in the amount of \$950.00 on or before March 20, 2009.
- The tenant will pay rent for April 2009, on or before April 03, 2009.
- The tenant will pay rent on time each month, in advance by the first of the month.
- 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 terms.
- 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 favour 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 **\$950.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 12, 2009.

Dispute Resolution Officer