

# Dispute Resolution Services

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

## **DECISION AND REASONS**

### **Dispute Codes:**

*OPR, CNR, MNR, MNSD, MNDC, CNC, FF*

### **Introduction.**

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*.

The landlord served the tenant with two notices to end tenancy on April 07, 2009. One was a ten day notice for non payment of rent and the other was a one month notice for cause. The landlord applied for an order of possession and a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her monetary claim.

The tenant applied for an order to set aside both notices to end tenancy and for a monetary order for money he claimed was owed to him by the landlord.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Is the landlord entitled to an order of possession? Does the tenant owe the landlord for unpaid rent? Is the tenant entitled to the compensation that he has applied for?

### **Background and Evidence**

The tenancy started on October 01, 2008. The rental unit is located in the basement of the home. Each of the tenants pays rent in the amount of \$365.00 per month, payable on the first of the month.

Prior to the hearing, the agent for the tenant assisted the parties in coming to an agreement with regard to this dispute.

### **Analysis**

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties confirmed that they had reached an agreement to settle these matters, on the following conditions:

1. The tenant will pay the landlord **\$1,540.00 on or before 1 p.m. on May 27, 2009**. This amount consists of \$1490.00 for rent owed and \$50.00 for the filing fee. A monetary order will be issued in favour of the landlord. This order may be filed in Small Claims Court if necessary and enforced as an order of that Court.
2. The tenant will make immediate arrangements, for all future rent cheques to be mailed from the Ministry of Employment and Assistance directly to the landlord's residence, at the address provided by the landlord.
3. A formal order of possession will be issued in favour of the landlord, to be served on the tenant, only in the event that the tenant does not pay \$1540.00 by 1 p.m. on May 27, 2009. This order may be filed in the Supreme Court for enforcement if necessary.
4. The tenant's claim for money owed by the landlord was not heard during this hearing as the parties have arranged to meet on May 22, 2009, at 4:00p.m. to resolve these issues. If the parties are not able to reach an agreement, the tenant is at liberty to apply for dispute resolution.

### **Conclusion**

I grant the landlord a monetary order in the amount of **\$1,540.00** to be paid on or before 1p.m. on May 30, 2009. I also grant the landlord an order of possession to be served **only in the event that the tenant does not comply with the monetary order.**

Dated May 22, 2009.

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Dispute Resolution Officer