



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. The male Tenant attended on behalf of the female Tenant. He stated that the female Tenant received the Application for Dispute Resolution package in the mail, but has asked him to represent her at the hearing as she was unable to attend. The parties were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent; and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Landlords and the Tenant agreed that they entered into a written tenancy agreement, which started on November 01, 2008, which required the Tenants to pay \$1000.00 in rent and \$250.00 in utilities. The parties agreed that at the end of the year the Landlords were going to reimburse the Tenant if their actual utility costs for the year were less than \$3,000.00 and the Tenants were going to reimburse the Landlord if their actual utility costs for the year were more than \$3,000.00

The Landlords and the Tenant agreed that the Tenants have not paid the \$1,250.00 that was due for June of 2009. The Landlords were not prepared at the hearing to determine whether the Tenant is entitled to a refund for utility costs that were incurred



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between November 01, 2008 and June 30, 2009 or whether the Tenant owes more for utilities between than period.

The Landlords and the Tenant agreed to settle their monetary dispute by mutually agreeing that the Tenant owes \$1,000.00 for all outstanding debts in relation to this tenancy up to June 30, 2009. The Tenant stated that he intends to file for personal bankruptcy.

The Landlords and the Tenant agreed that a ten (10) day Notice to End Tenancy for non-payment of rent, which had an effective date of June 14, 2009, was served on the Tenants. This Notice was not signed or dated.

The Landlords and the Tenant agreed to mutually end this tenancy on July 02, 2009 at 1:00 p.m.

Conclusion

Based on the mutual agreement to end this tenancy on July 02, 2009, I hereby grant the Landlord an Order of Possession that is effective at 1:00 p.m. on July 02, 2009. This Order may be served on the Tenants, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Based on the mutual agreement to resolve this monetary dispute by a payment of \$1,000.00, I grant the Landlord a monetary Order for the amount of \$1,000.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 22, 2009.

Dispute Resolution Officer