



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

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 related to non-payment of rent by the tenant. Both parties appeared for the hearing and were provided the opportunity to be heard and to respond to the evidence of the other party.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession and a monetary claim due to non-payment of rent by the tenant?

Background and Evidence

This tenancy began on July 1, 2003 and the current monthly rent is \$746.54. The tenant paid a security deposit and key deposit totalling \$362.50 on June 2, 2003.

On June 3, 2009 the tenant was served with a 10 day Notice to End Tenancy due to non-payment of rent when it was posted to the door of the tenant's rental unit. The Notice states that the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not apply to dispute the Notice to End Tenancy within five days.

The landlord stated that on June 22, 2009 the tenant paid a portion of the outstanding rent for the sum of \$800.00. As of the date of this hearing the tenant is currently behind in rent by the sum of \$906.56 including the cost of the \$50.00 filing fee paid by the landlord for this application.

Pursuant to section 63 of the *Act* the parties agreed that the tenancy would be reinstated if the tenant paid the outstanding sum owed of \$906.56 by July 15, 2009. In enforcement of this agreement I have issued the landlord an Order of Possession which is effective **two (2) days** after it is served upon the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.



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Page: 2

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Analysis

The parties have reached a settlement to resolve this dispute pursuant to section 63 of the *Act*. If the tenant pays the outstanding sum owed of \$906.56 by July 15, 2009 then the tenancy will be reinstated and the tenancy will continue with full force and effect. However, if the agreement is not upheld then the landlord may enforce the enclosed Order of Possession.

Conclusion

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*.

The parties have reached a mutual agreement to resolve this dispute pursuant to section 63 of the *Act*. I dismiss the landlord's monetary claim with leave to re-apply if the outstanding sum owed is not paid as agreed to by the parties.

Dated: July 07, 2009.

Dispute Resolution Officer