



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR, MNR, MNSD, 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, to retain all or part of the security deposit, 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. They 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; to keep all or part of the security deposit; and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Agent for the Landlord and the Tenants agree that this tenancy began on April 01, 2009; that the Tenants are required to pay monthly rent of \$800.00 on the first day of each month; that the Tenants paid a security deposit of \$400.00 on March 30, 2009; that the Tenants have paid no rent for July and August of 2009; and that the Landlord served the Tenants with a Notice to End Tenancy for Unpaid Rent.

A copy of the Notice to End Tenancy was not submitted in evidence and the Agent for the Landlord did not have a copy of the Notice with him at the time of the hearing.



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At the hearing the Agent for the Landlord and the Tenants mutually agreed to end this tenancy under the following terms:

- The Tenants will vacate the rental unit on, or before, August 15, 2009
- The Tenants will pay rent in the amount of \$800.00 for July of 2009 and \$400.00 for August of 2009
- This mutual agreement will resolve all issues that are currently in dispute in relation to this tenancy.

Conclusion

Based on the mutual agreement of the parties, I find that this tenancy is ending on August 15, 2009.

On the basis of this mutual agreement, I hereby grant the Landlord an Order of Possession that is effective **at 1:00 p.m. on August 15, 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.

On the basis of this mutual agreement, I find that the Landlord has established a monetary claim, in the amount of \$1,200.00, and I will be granting a monetary Order in that amount. In the event that the Tenants do not comply with this Order, it may be served on the Tenants, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

All parties are hereby advised that the Landlord may elect to retain from the Tenants' security deposit any amount of this monetary Order that has not been paid at the end of the tenancy, pursuant to section 38(3) of the *Act*.

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

Dated: August 13, 2009.

Dispute Resolution Officer