



# 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 Tenant agree that this tenancy began on July 01, 2008; that the Tenant is required to pay monthly rent of \$650.00 on the first day of each month; that the Tenant currently owes \$1,070.00 in overdue rent; that the Tenant did not pay rent when it was due on July 01, 2009; and that the Tenant was personally served with Notice to End Tenancy for Unpaid Rent, which had an effective date of July 11, 2009, on July 02, 2009.

The Agent for the Landlord and the Tenant agreed that they would like to continue this tenancy under the following terms:

- The Landlord will withdraw the Notice to End Tenancy that was served on July 02, 2009
- The Tenant will pay \$900.00 to the Landlord today, in partial satisfaction of the outstanding rent



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- The Tenant will pay \$400.00 to the Landlord on, or before, September 02, 2009 in satisfaction of the outstanding rent and in partial satisfaction of the rent that is due on September 01, 2009
- The Tenant will pay \$420.00 to the Landlord on, or before, September 11, 2009 in satisfaction of the rent that is due on September 01, 2009
- Both parties agree that the tenancy will be reinstated if the Tenant complies with the repayment schedule outlined in this decision.

## Conclusion

Based on the settlement agreement reached at this hearing, I hereby grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may only be served on the Tenant if she fails to comply with any portion of the repayment schedule outlined in this decision. It may be served on, or after, August 26, 2009 if the Tenant fails to pay \$900.00 to the Landlord on August 25, 2009. It may be served on, or after, September 03, 2009 if the Tenant fails to pay \$400.00 to the Landlord on September 02, 2009. It may be served on, or after, September 12, 2009 if the Tenant fails to pay \$420.00 to the Landlord on September 11, 2009. It is of no force or effect if the Tenant makes all of the payments outlined in the payment schedule. If the Tenant fails to make any of the payments outlined in the payment schedule, the Order may be served on the Tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Based on the settlement agreement reached at this hearing, I hereby grant the Landlord a monetary Order in the amount of \$1,720.00. This Order may be served on, or after August 26, 2009, if the Tenant fails to pay \$900.00 on August 25, 2009, at which time it must be reduced by any payments the Tenant has paid towards this debt. This Order may be served on, or after September 03, 2009, if the Tenant fails to pay \$400.00 on September 02, 2009, at which time it must be reduced by any payments the Tenant has paid towards this debt. This Order may be served on, or after September 12, 2009, if the Tenant fails to pay \$420.00 on September 11, 2009, at which time it must be reduced by any payments the Tenant has paid towards this debt. After this Order is served on the Tenant, it may be 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: August 25, 2009.

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Dispute Resolution Officer