



# 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 dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order due to unpaid rent.

### 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 tenants for the cost of the Application for Dispute Resolution, pursuant to sections 38, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement which was signed by the parties on May 31, 2009 for a fixed term tenancy beginning June 1, 2009 for the monthly rent of \$1000.00 due on the 1st of the month and a security deposit of \$500.00 was paid on June 1, 2009; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on July 10, 2009 with an effective vacancy date of July 23, 2009 due to \$1000.00 in unpaid rent and \$25.00 late charges.
- Landlord's ledger of rental charges and payments made by the tenant.

Documentary evidence filed by the landlord indicates that the tenants had failed to pay the full rent owed for the month of July 2009 and that the tenant was served a 10 Day Notice to End Tenancy for Unpaid Rent when it was posted on the door of the tenants' rental unit on July 10, 2009.

The Notice states that the tenants had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The landlord's agent confirmed by his testimony that there is no longer any rent in arrears, the tenant's account is up to date. The only outstanding issue for the landlord's agent was recovery of the filing fee.



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During the course of the hearing, the parties reached an agreement to settle the matters, on the following conditions:

1. The landlord will cancel the Notice to End Tenancy for Unpaid Rent
2. The tenant will pay \$50.00 to the landlord to recover the filing fee by Saturday, October 31, 2009;
3. If the tenant does not pay the amount owed on the specified date, the landlord may serve an order of possession on the tenant, and the tenancy will end.

## Conclusion

I grant the landlord an order of possession, effective two days from service on the tenant. If the landlord serves the order of possession on the tenant and the tenant fails to comply with the order, the order may be filed in the Supreme Court of British Columbia 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: October 08, 2009.

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Dispute Resolution Officer