



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes - OPR, MNR, MNDC, 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 tenant 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 tenancy began on September 1, 2006 for a month to month with current monthly rent of \$650.19.00 due on 1st of the month and a security deposit of \$292.50 was paid on August 21, 2006.

The landlord submitted as evidentiary material a copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on July 9, 2009 with an effective vacancy date of July 22, 2009 due to \$1279.00 in unpaid rent.

Documentary evidence filed by the landlord indicates that the tenant has not had rent current since April, 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 tenant's rental unit on July 7, 2009.

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's agent further testified that the arrears as of October 13, 2009 is \$1324.38.

Analysis

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



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1. The landlord will cancel the Notice to End Tenancy for Unpaid Rent
2. The tenant will pay \$700.00 to the landlord for unpaid rent by the end of business Tuesday, October 13, 2009;
3. The tenant will pay \$674.38 to the landlord for unpaid rent and the filing fee for this application by the end of business Friday, October 16, 2009;
4. If the tenant does not pay the amount owed on the specified dates, the landlord may serve an order of possession on the tenant, and the tenancy will end.

While not a part of this decision, the parties also agreed for the tenant to pay November 2009 rent by November 6, 2009.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**, subject to the tenant's failure to comply with the payment schedule. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to monetary compensation pursuant section 67 and I grant a monetary order in the amount of \$1374.38 to be paid as per the schedule outlined in the agreement made by the parties. This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) 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 13, 2009.

Dispute Resolution Officer