



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes - OPR, OPC, OPB, MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order for 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; for 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 January 6, 2008 as a 3 month fixed term tenancy and converted to month to month tenancy on April 7, 2008 with rent due on the 1<sup>st</sup> of the month in the amount of \$1650.00. A security deposit of \$825.00 was paid on January 6, 2008.

The landlord submitted the following evidentiary material:

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on October 1, 2009 with an effective vacancy date of October 11, 2009 due to \$8250.00 in unpaid rent.

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

1. the landlord will retain \$825.00 from the security deposit in full; and
2. the tenant will pay the equivalent of two months' rent in the amount of \$3,300.00 .

The landlord also agreed to amend his application to not include a request for an order of possession, he is satisfied the tenant is no longer in possession of the rental unit.

Conclusion

I grant the landlord a monetary order under section 67 for the agreed amount. 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: December 10, 2009.

---

Dispute Resolution Officer