

## **DECISION**

Dispute Codes      OPR MNR MNSD MNDC FF  
CNR MNR MNDC OLC RP RR FF O

### **Introduction**

This hearing dealt with cross applications filed by both the Landlord and the Tenant.

The Landlord filed to obtain an Order of Possession, a Monetary Order for unpaid rent, unpaid utilities, and compensation for damage or loss under the Act, and an Order to retain the security deposit in partial satisfaction of the claim, and to recover the cost of the filing fee from the Tenant for this application.

The Tenant filed to cancel a notice to end tenancy for unpaid rent, and a Monetary Order for cost of emergency repairs, money owed for compensation for damage or loss under the Act, an Order to have the Landlord comply with the Act and complete required repairs, Allow the Tenant reduced rent for repairs, and to recover the cost of the filing fee from the Landlord for this application.

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

1. The Tenant will deposit **\$4,406.91** into the Landlord's bank account no later than Thursday December 17, 2009 at 5:00 p.m. as payment of \$1,249.00 for July 2009 rent, \$1,500.00 for November 2009 rent, \$1,500.00 for December 2009 rent, \$42.97 for the December outstanding BC Hydro utility bill, and \$114.94 for the December outstanding Teresan Gas utility bill; and
2. The Tenant agrees to pay January 2010 rent in full of \$1,500.00 no later than January 1, 2010 at 5:00 p.m.; and
3. The Tenant agrees to pay February 2010 rent in full of \$1,500.00 no later than February 1, 2010 at 5:00 p.m.; and
4. The Tenant agrees to pay his portion of all utility bills upon receipt of the e-mail notification of amount of utilities due from the Landlord; and
5. The Tenant agrees to vacate the rental unit no later than February 28, 2010 at 1:00 p.m.

In the event that the Tenant does not comply with any of the above agreed upon items, or any payments are returned NSF or are in default, the Landlord will be at liberty to

serve the Tenant with the enclosed monetary order in the amount of \$4,406.91 and the enclosed Order of Possession effective two days upon service on the Tenant.

If served upon the Tenant, the Monetary Order may be filed in Provincial Court and enforced as an order of that Court. If served upon the Tenant, the Order of Possession may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

If the Tenant complies with the agreements, as listed above, then the enclosed monetary order for \$4,406.91 will be cancelled and of no force or effect and the Order of Possession effective two days upon service then becomes cancelled and of no force or effect.

I hereby grant the Landlord an Order of Possession effective February 28, 2010 at 1:00 p.m. upon service on the Tenant. This Order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Regarding the Landlord's claim for an order to retain the security deposit and interest in partial satisfaction of the monetary claim, I dismiss this portion of the Landlord's application with leave to reapply.

As the parties were able to settle the matter, I decline to award the Landlord or the Tenant recovery of the filing fee for the cost of their respective application.

In the presence of the above agreement the Tenant's application is hereby dismissed, without leave to reapply.

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 16, 2009.

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Dispute Resolution Officer