



Dispute Resolution Services

Page: 1

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; and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to sections 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Resident ledger for the tenants;
- A copy of a residential tenancy agreement which was signed by the parties on November 27, 2008 for a month to month tenancy beginning November 20, 2008 for the monthly rent of \$620.00 due on the 1st of the month and a security deposit of \$310.00 paid on November 20, 2008; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on November 2, 2009 with an effective vacancy date of November 13, 2009 due to \$954.74 in unpaid rent.

Documentary evidence filed by the landlord indicates that the tenants failed to pay the rent owed for the month of November 2009 and that the tenants were served a 10 Day Notice to End Tenancy for Unpaid Rent served in person on November 2, 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 tenants did not apply to dispute the Notice to End Tenancy within five days.

Analysis

The landlord confirmed that the tenants have made some payments towards rent but that \$257.68 are still outstanding. The tenant testified that he could pay this amount within 2 weeks.

The tenant also acknowledges that January 2010 rent will be due within that same two week period.

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

1. The landlord withdraws their application; and
2. The tenant will ensure that all outstanding rent including rent for January 2010 in the amount of \$877.68 (\$257.68 arrears and \$620.00 due January 1, 2010) will be paid in full by January 6, 2010.

Conclusion

I find that only if the tenants fail to comply with the above noted settlement the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order may then be served on the tenants and be filed in the Supreme 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: December 23, 2009.

Dispute Resolution Officer