



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

Introduction

On December 17, 2009 a teleconference call was held to hear the landlord's application for an Order of Possession and Monetary Order for unpaid rent. The landlord appeared at that hearing and requested an adjournment as the tenant had just suffered a death in the family. The request for adjournment was granted and this hearing was reconvened for January 19, 2010.

Both parties appeared at the adjourned hearing and were provided the opportunity to be heard and to respond to the submissions of the other party.

Issues to be determined

1. Is the landlord entitled to a Monetary Order for unpaid rent?
2. Is the landlord entitled to an Order of Possession for unpaid rent?
3. Mutual agreement between the parties.

Background

Upon review of the evidence before me, I make the following findings. The tenancy commenced April 1, 2008 and the tenants are required to pay rent of \$250.00 on the 1st day of the month. On November 20, 2009 the landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent indicating rent of \$2,750.00 was outstanding as of November 1, 2009.

During the hearing, the parties agreed that the tenants have paid \$2,000.00 towards the outstanding rent but that \$750.00 remains outstanding for rent up to November 2009 and rent has not yet been paid for December 2009 or January 2010. Currently, rent of \$1,250.00 is outstanding up to and including the month of January 2010.

The landlord stated that he is willing to continue with the tenancy provided the tenants catch up on the outstanding rent and pay their rent on time going forward. The tenants expressed a desire to catch up on the outstanding rent but explained that social assistance has been withholding assistance since the landlord initiated eviction proceedings. The parties were able to reach a mutual resolution during the hearing that I record as follows:

- 1. The tenancy will continue provided the tenants pay rent of \$250.00 for February 2010 on or before February 1, 2010 AND the tenants pay the outstanding rent of \$1,250.00 by March 1, 2010.**
2. The landlord withdraws his request to recover the filing fee paid for this application.
3. The landlord will be provided a Monetary Order in the amount of \$1,250.00 in the event the tenants do not pay the back rent by March 1, 2010.
4. The landlord will be provided an Order of Possession that may be enforced if the tenants do not pay the back rent of \$1,250.00 by March 1, 2010.

Analysis

I accept and recognize the mutual agreement between the parties and I ORDER that the tenancy shall continue until March 1, 2010 and I ORDER the tenants to fulfill the terms of the mutual agreement reached during the hearing. If the tenants fulfill the terms of the mutual agreement the tenancy shall continue after March 1, 2010. If the tenants do not fulfill the terms of the mutual agreement, the landlord is at liberty to serve the tenants with the Order of Possession and Monetary Order that have been provided with this decision and enforce in the appropriate court.

If the tenants do not pay rent of \$250.00 on or before February 1, 2010 the landlord is at liberty to issue another *10 Day Notice to End Tenancy for Unpaid Rent*.

This decision shall serve as evidence for the tenant that the tenancy shall continue at this time provided the tenants fulfills the terms of the mutual agreement reached with the landlord and my Order for the tenants to pay the outstanding rent.

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: January 19, 2010.

Dispute Resolution Officer