

Decision

Dispute Codes: OPR, MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession, and a monetary order as compensation for unpaid rent. Both parties participated in the hearing and gave affirmed testimony, and both parties consented to amendment of the application to correctly show the names of all 3 tenants.

Issues to be decided

- Whether the landlord is entitled to either or both of the above under the Act

Background and Evidence

There is no written tenancy agreement in place for this month-to-month tenancy which began on February 26, 2010. Rent of \$870.00 is payable in advance on the first day of each month. A combination of rent and security deposit of \$650.00 was collected on February 27, 2010. Thereafter, the tenants have made no payments toward rent. While the parties have entered into agreements to end the tenancy on particular dates, the tenants presently continue to reside in the unit. The tenants claim they are reluctant to make cash payments of rent to the landlord as he declines to issue receipts.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

Analysis

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that the tenants will vacate the unit not later than 1:00 p.m., Wednesday, April 21, 2010, and that an order of possession will be issued in favour of the landlord to that effect;
- that the tenants will pay the landlord a total of \$945.00 (calculated below), and the parties will arrange between them a schedule of installments:

* $\$870.00$ (monthly rent) \div 30 (average number of days in 1 month) = $\$29.00$ per day;

* 55 days = total number of days of tenancy (3 in February, 31 in March, 21 in April);

* $\$1,595.00$ = total rent due;

* $\$1,595.00 - \650.00 (amount paid on February 27) = $\$945.00$ (balance still due);

* that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Conclusion

Pursuant to the above, I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Wednesday, April 21, 2010**. This order must be served on the tenants. Should the tenants fail to comply, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Following from the above agreement, and pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord for **\$945.00**. This order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: April 16, 2010

Dispute Resolution Officer