

Decision

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order as compensation for unpaid rent, retention of the security deposit, and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on December 1, 2002. Currently, rent in the amount of \$1,924.00 is payable in advance on the first day of each month. A security deposit of \$925.00 was collected on December 1, 2002.

The landlord's agent testified that rent is currently outstanding as follows:

\$454.00: October/09; **\$1,924.00**: November/09; **\$1,924.00**: December/09

\$9,620.00: January to May/10 (5 x \$1,924.00)

Total: \$13,922.00

The landlord issued a 10 day notice to end tenancy for unpaid rent dated April 1, 2010. The tenants acknowledge receipt of the notice, and a copy of the notice was submitted into evidence. Subsequently, while the tenants made no payments toward rent, the tenants take the position that they have invested time and money in labour and supplies in order to benefit the unit.

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 FORTHWITH deliver a certified cheque or money order directly to the landlord's agent(s) in the full amount of \$4,000.00;
- that the above payment, in combination with time & money in labour & supplies committed to the unit by the tenants, resolves the dispute over outstanding rent from October 1, 2009 to May 31, 2010;
- that the landlord withdraws the application for an order of possession, a monetary order for unpaid rent, *retention of the security deposit** (in relation to this particular application*) and recovery of the filing fee;
- that the next regular payment of monthly rent in the amount of \$1,924.00 is due on June 1, 2010;
- that the above particulars comprise full and final settlement of all aspects of the current dispute arising from this tenancy for both parties.

Conclusion

Pursuant to the above agreement, I hereby order the tenants to FORTHWITH make payment in the amount of \$4,000.00 to the landlord in care of the landlord's agent(s).

DATE: May 4, 2010

Dispute Resolution Officer