

DECISION

Dispute Codes – OPR, MNR, MNSD, MNDC, O, 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.

The hearing was conducted via teleconference and was attended by the landlord's agent and the tenant.

The landlord's agent testified the "Other" applied for was to cover late rent payment fees and not sufficient fund (NSF) charges.

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; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Settlement

During the hearing the parties came to the following settlement:

1. The tenant agrees to pay the balance of the previous Dispute Resolution decision dated December 11, 2009 in the amount of \$125.00 no later than the end of business on June 30, 2010;
2. The tenant agrees to pay the outstanding rental arrears including all outstanding late fees and NSF fees in the amount of \$2,665.00 no later than the end of business on June 30, 2010; and
3. Should the tenant fail to pay the outstanding amounts noted above the tenancy will end and the tenant will vacate the rental unit.

Conclusion

In accordance with section 63 of the *Act*, I have recorded this settlement and grant the landlord an order of possession and a monetary order for enforcement purposes only in the event the tenant fails to comply with the agreement.

I find that the landlord is entitled to an Order of Possession effective **July 1, 2010 after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$2,715.00** comprised of \$2,665.00 rent owed and the \$50.00 fee paid by the landlord for this application. This compensation does not include the previously order arrears.

I order the landlord may deduct the security deposit and interest held in the amount of \$450.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$2,265.00**. This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) 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: June 10, 2010.

Dispute Resolution Officer