

DECISION

Dispute Codes OPR, OPC, MNR, MNDC, FF
CNC

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent as well as to recover the filing fee for this proceeding. The Tenant applied to cancel a One Month Notice to End Tenancy for Cause.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?
2. Are there rent arrears and if so, how much?

Background and Evidence

This tenancy started on September 1, 2009. The Parties entered into a tenancy agreement on January 1, 2010. Rent was \$450.00 per month payable in advance on the 1st day of each month. The Tenant paid a security deposit of \$225.00 on January 1, 2010.

The Landlord claimed that the Tenant had rent arrears for September 2009 of \$120.00 which he agreed to pay in 3 monthly instalments of \$40.00. The Tenant admitted that he had rent arrears for September 2009 as alleged but claimed he had an agreement with the Landlord to do some gardening to work it off. The Tenant also admitted that he has done very little gardening to date. The Parties agree that the Tenant has rent arrears of \$120.00 for June 2010.

During the hearing the Parties agreed that the tenancy would end on July 15, 2010 and that the Landlord would receive an Order of Possession that will take effect on that date.

Analysis

I find that the Landlord is entitled to recover rent arrears of \$240.00. Section 63 of the Act says that if the parties settle their dispute during the dispute resolution proceeding, the director may record the settlement in the form of a decision or order. Consequently, the Landlord will receive an Order of Possession to take effect on July 15, 2010 at 1:00 p.m.

As the Landlord has been successful in obtaining a monetary order for rent arrears, I find pursuant to s. 72 of the Act that she is entitled to recover the \$50.00 filing fee for this proceeding from the Tenant.

Conclusion

The Tenant's application is dismissed without leave to reapply. An Order of Possession to take effect on July 15, 2010 at 1:00 p.m. and a monetary order in the amount of \$290.00 have been issued to the Landlord; and a copy of the Orders must be served on the Tenant. The Order of Possession may be enforced in the Supreme Court of British Columbia and the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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 16, 2010.

Dispute Resolution Officer