

Decision

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession / a monetary order as compensation for unpaid rent / 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 of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on May 11, 2006. Currently, rent in the amount of \$652.00 is payable in advance on the first day of each month. No security deposit was collected.

Arising from rent which was overdue (\$416.00), the landlord issued a 10 day notice to end tenancy for unpaid rent dated June 4, 2010. The notice was served in person on the tenant on June 7, 2010. Subsequently, on July 2, 2010, the tenant paid in full the overdue amount for June of \$416.00.

Thereafter, on July 13, 2010, the tenant made payment toward rent for July 2010 in the amount of \$650.00, which is \$2.00 short of the full amount due.

Following this, on August 11, 2010, the tenant paid \$200.00 toward rent for August, which is \$452.00 short of the full amount due.

Currently, therefore, overdue rent totals \$454.00 (July: \$2.00 & August: \$452.00).

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

Analysis

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

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 landlord withdraws the application for an order of possession, and the tenancy presently therefore continues in full force and effect;
- that the tenant undertakes to complete the telephone banking on August 20, 2010 for all currently overdue rent;
- that the telephone banking, as above, will result in payment to the landlord of \$504.00, which is comprised as follows:
 - i) \$2.00 overdue rent for July
 - ii) \$452.00 overdue rent for August
 - iii) \$50.00 filing fee paid by the landlord for this application
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy, currently before me, for both parties.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord of **\$504.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: August 12, 2010

Dispute Resolution Officer

