



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

### Dispute Codes:

CNR and FF

### Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application to set aside a Notice to End Tenancy for Unpaid Rent and to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to provide oral evidence, to ask relevant questions, and to make submissions to me.

### Issue(s) to be Decided

The issues to be decided is whether the Notice to End Tenancy for Unpaid Rent, served pursuant to section 46 of the *Residential Tenancy Act (Act)*, should be set aside and whether the Tenant is entitled to recover the cost of filing this Application for Dispute Resolution.

### Background and Evidence

The Landlord and the Tenant agree the parties entered into a tenancy agreement for a tenancy that began on November 01, 2009 and for which the Tenant was originally required to pay \$1,500.00. The Landlord acknowledged that he did not serve the Tenant with notice to increase the rent to \$1,540.00.

The Landlord and the Tenant agree that the Landlord posted a Ten Day Notice to End Tenancy for non-payment of rent, which had a declared effective date of November 12, 2010, on the front door of the rental unit on November 02, 2010. The parties agree that all of the rent that was due on November 01, 2010 has not yet been paid to the Landlord.

After considerable discussion, the parties mutually agreed to resolve this dispute under the following terms:

- This tenancy will end on November 30, 2010

- The Tenant will provide the Landlord with a certified cheque, in the amount of \$1,747.59, by November 27, 2010
- The certified cheque represents a payment of rent for November, in the amount of \$1,500.00, and the Tenant's portion of water charges incurred between March 06, 2010 and November 05, 2010
- The Landlord and the Tenant understand that the Landlord will be receiving an Order of Possession that is effective two days after it is served upon the Tenant if the Tenant fails to provide the Landlord with a certified cheque for \$1,747.59 by November 27, 2010
- The Landlord and the Tenant understand that the Landlord will be receiving an Order of Possession that is effective on November 30, 2010 if the Tenant provides the Landlord with a certified cheque for \$1,747.59 by November 27, 2010.

### Conclusion

On the basis of the mutual agreement reached at this hearing, I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on November 30, 2010 unless the Tenant fails to provide the Landlord with a certified cheque for \$1,747.59 by November 27, 2010, in which case the Order of Possession will be effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

On the basis of the mutual agreement reached at this hearing I grant the Landlord a monetary Order for the amount of \$1,747.59. In the event that all, or part, of this amount has not been paid by November 27, 2010, this Order may be served on the Tenant, filed with the Province of British Columbia Small Claims Court 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: November 26, 2010.

---

Dispute Resolution Officer