

## **Decision**

**Dispute Codes:** OPR, MT, LAT, MND, MNR, MNDC, FF

### **Introduction**

This hearing dealt with two applications: i) by the landlords for an order of possession, a monetary order as compensation for unpaid rent, compensation for damage to the unit, site or property, compensation for damage or loss under the Act, regulation or tenancy agreement, and recovery of the filing fee; ii) by the tenants for more time to make an application to cancel a notice to end tenancy, and permission to change the locks on the rental unit. Both parties participated in the hearing and gave affirmed testimony.

### **Issues to be decided**

- Whether either party is entitled to any of the above under the Act, regulation or tenancy agreement

### **Background and Evidence**

Pursuant to a written tenancy agreement, the tenancy began on September 9, 2010. Rent in the amount of \$850.00 is payable in advance on the first day of each month. A security deposit of \$425.00 was collected at the start of tenancy.

Arising from rent which was unpaid when due on November 1, 2010, the landlords issued a 10 day notice to end tenancy for unpaid rent dated November 5, 2010. The landlord testified that the notice was served in person on the tenants on that same date. The tenant testified that the notice was served sometime later in November. A copy of the notice was submitted into evidence. Subsequently, the landlords have collected no rent from the tenants for either November or December 2010, and the tenants continue to reside in the unit.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve some 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/](http://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 some measure of resolution. Specifically, it was agreed as follows:

- that the tenants will vacate the unit by not later than 1:00 p.m. on Friday, December 10, 2010, and that an order of possession will be issued in favour of the landlords to that effect;
- that the tenants have not paid rent for either November or December 2010;
- that the landlords will retain the security deposit as an offset to half the rent due for November 2010, and that a monetary order will be issued in favour of the landlords for the balance of rent owed for November of \$425.00 (\$850.00 - \$425.00);
- that the landlords withdraw their application for compensation arising from unpaid rent for December 2010, and that, in turn, the tenants undertake to make no further applications for dispute resolution in regard to this tenancy;
- that the parties agree to meet at the unit at or around 1:00 p.m. on Friday, December 10, 2010, at which time the tenants will deliver the unit keys to the landlords, and at which time the parties will undertake to complete a move-out condition inspection;
- that the landlords withdraw their application to recover the \$50.00 filing fee;

## **Conclusion**

I hereby issue an **order of possession** in favour of the landlords effective not later than **1:00 p.m., Friday, December 10, 2010**. This order must be served on the tenants.

Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$425.00**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

**DATE: December 3, 2010**

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Dispute Resolution Officer