

Decision

Dispute Codes: OPR, MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession, and a monetary order as compensation for unpaid rent. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the landlord is entitled to either or both of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the original fixed term of tenancy was from June 1, 1998 to June 3, 1999. Thereafter, tenancy has continued on a month-to-month basis. While there were originally 3 tenants (including the respondent), over time various tenants have come and gone and the respondent is the only tenant who remains. Currently, monthly rent is \$1,458.00. A security deposit of \$590.00 was collected near the outset of tenancy.

Arising from rent which was unpaid when due on November 1, 2010, the landlord issued a 10 day notice to end tenancy dated November 4, 2010. Subsequently, the tenant made no further payments toward rent and he continues to reside in the unit.

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

Analysis

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 an order of possession will be issued in favour of the landlord, pursuant to which the tenant must vacate the unit by not later than 1:00 p.m., Wednesday, December 15, 2010;
- that the tenant will undertake to vacate the unit as soon as possible, but in any event, by not later than the time and date shown above;
- that the tenant's security deposit plus interest will be offset against the unpaid rent for November 2010, and that a monetary order will be issued in favour of the landlord for the unpaid balance;
- that the landlord undertakes not to file an application for dispute resolution in order to seek unpaid rent / loss of rental income for December 2010, provided that the tenant vacates the unit pursuant to the order of possession;
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties, which arise out of this tenancy and which are presently before me.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than 1:00 p.m., Wednesday, December 15, 2010. This order must be served on the tenant. Should the tenant 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 landlord in the amount of \$795.90 [\$1,458.00 – (\$590.00 security deposit + \$72.10 interest)]. 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: December 9, 2010

Dispute Resolution Officer