



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR MNR MNSD MNDC FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent, a Monetary Order for unpaid rent, to keep all or part of the pet and or security deposit, for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement, and to recover the cost of the filing fee from the Tenant for this application.

Service of the hearing documents, by the Landlord to the Tenant, were done on November 15, 2010 at 11:29 a.m. The Tenant confirmed receipt of the hearing documents.

The Landlord and Tenant appeared, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issues(s) to be Decided

1. Has the Tenant breached the Act, regulation or tenancy agreement?
2. If so, has the Landlord proven entitlement to an Order of Possession and a Monetary Order as a result of that breach?

Background and Evidence

The Landlord confirmed that when the Tenant failed to pay late fee for October and the full November 2010 rent on time a 10 Day Notice to End Tenancy was posted to his door on November 2, 2010 at 5:56 p.m.

During the course of the hearing the parties agreed to settle this matter.

Analysis

The parties reached an agreement to settle these matters on the following conditions:

1. The Landlord withdraws her application; and
2. the Tenant will pay the Landlord \$1,475.00 for the accumulated rent for October, November, December 2010 and the filing fee, no later than 5:00 p.m. on Friday December 10, 2010 and the tenancy will continue; and
3. the Tenant agrees to pay his rent on or before the first of each month onward; and
4. if the Tenant does not pay the full amount of \$1,475.00 on the specified date, the Landlord will serve an order of possession and a monetary order on the Tenant, and the tenancy will end.

Conclusion

The Landlord's decision will be accompanied by a monetary order in the amount of \$1,475.00 for October, November, and December 2010 rent. The order must be served on the Tenant and may be filed in Provincial Court and enforced as an Order of that Court.

The Landlord's decision will also be accompanied by an Order of Possession effective two days upon service to the Tenant. If the Tenant fails to meet the terms of the settlement written above then the Order must be served to the Tenant and may be filed in Supreme 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: December 08, 2010.

Dispute Resolution Officer