

Decision

Dispute Codes: OPR, MNR, MNSD

Introduction

This hearing dealt with an application by the landlords for an order of possession / a monetary order as compensation for unpaid rent / and retention of the security deposit. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the landlords are entitled to any of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the month-to-month tenancy began on October 1, 2010. Monthly rent is \$1,000.00, and a security deposit was collected in the amount of \$480.00.

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 21, 2010. The notice was served by delivery to the tenant's mailbox on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenant made no further payment toward rent and continues to reside in the unit.

During the hearing the parties briefly 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 tenant will vacate the unit by not later than 4:00 p.m., Sunday, January 9, 2011, and that an order of possession will be issued in favour of the landlords to that effect;
- that the parties will meet together at the unit at 4:00 p.m., Sunday, January 9, 2011 in order to complete a move-out condition inspection;
- that a monetary order will be issued in favour of the landlords in relation to unpaid rent for November & December 2010, and half of January 2011;
- that the landlords will retain the security deposit as an offset to monies owed for unpaid rent;
- that, pursuant to the above, the monetary order will total \$2,020.00 [(\$1,000.00 + \$1,000.00 + \$500.00) - \$480.00].

Conclusion

I hereby issue an order of possession in favour of the landlords effective not later than **4:00 p.m., Sunday, January 9, 2011**. 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 landlords in the amount of **\$2,020.00**. 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: January 6, 2011

Dispute Resolution Officer