

## **Decision**

**Dispute Codes:** OPR, OPC, MT, CNR, CNC, FF

### **Introduction**

This hearing dealt with 2 applications: i) by the landlords for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee; ii) by the tenants for more time to make an application to cancel notice(s) to end tenancy / cancellation of a notice to end tenancy for unpaid rent / and cancellation of a notice to end tenancy for cause. 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

### **Background and Evidence**

There is no written tenancy agreement in evidence for this month-to-month tenancy which began in October 2009. Monthly rent is \$800.00 and it appears to be due and payable at the end of each month. There is no documentary evidence before me of a security deposit having been collected.

As a result of the landlords' concern about the tenants' repeatedly late payment of rent, the landlords issued a 1 month notice to end tenancy for cause dated November 21, 2010. The reason shown on the notice for its issuance is as follows:

Tenant is repeatedly late paying rent.

Subsequently, arising from rent which remained overdue on November 30, 2010, the landlords issued a 10 day notice to end tenancy for unpaid rent dated November 30, 2010. The current status of unpaid rent (as well as rent which will be due January 31, 2011) is as follows:

**\$100.00:** September 2010

**\$400.00:** October 2010

**\$150.00:** November 2010

**\$400.00:** December 2010

**\$400.00:** January 2011

Sub-total: **\$1,450.00**

During the hearing the parties 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/](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 a resolution. Specifically, it was agreed as follows:

- that the tenants will vacate the unit by not later than 1:00 p.m., Monday, January 31, 2011, and that an order of possession will be issued in favour of the landlords to that effect;
- that the landlords will waive recovery of \$25.00 which represents one half of their \$50.00 filing fee;
- that a monetary order will be issued in favour of the landlords in the amount of \$1,475.00, which is comprised of \$1,450.00 in unpaid rent (as above), plus half the filing fee in the amount of \$25.00;

- that the above particulars comprise full and final settlement of all aspects of the dispute which are presently before me for both parties.

### **Conclusion**

I hereby issue an order of possession in favour of the landlords effective not later than **1:00 p.m., Monday, January 31, 2011**. 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 **\$1,475.00**. 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: January 11, 2011

---

Dispute Resolution Officer