



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR MNSD MNR 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 security deposit, and to recover the cost of the filing fee from the Landlord for this application.

Service of the hearing documents, by the Landlord to the Tenant, was done in accordance with section 89 of the *Act*, sent via registered mail December 10, 2010. Mail receipt numbers were provided in the Landlord's documentary evidence. The Tenant confirmed receipt of the hearing documents.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issue(s) to be Decided

1. Has the Tenant breached the *Residential Tenancy 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 parties entered into a fixed term tenancy agreement effective December 5, 2007 which switched to a month to month tenancy after December 31, 2008. The Rent is payable on the first of each month in the amount of \$1,290.00 and the Tenant paid \$625.00 on December 5, 2007 as a security deposit.

During the course of the hearing the parties reached an agreement to settle this matter.



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Analysis

The parties reached an agreement to settle this matter on the following conditions:

1. the Tenant agrees to pay the Landlord the accumulated balance of unpaid rent and fees in the amount of \$2,630.06 no later than Monday January 10, 2011 at 4:30 p.m.; and
2. if payment is received in accordance with the above agreement then the Landlord will reinstate the tenancy agreement; and
3. If payment is not received by the Landlord in accordance with the above agreement the Landlord will be at liberty to serve the Tenant with the enclosed Monetary Order and Order of Possession and end the tenancy.

Conclusion

In support of the settlement agreement listed above the Landlord's decision will be accompanied by the following two Orders:

- 1) An Order of Possession effective two days upon service to the Tenant. This Order must be served to the Tenant and may be filed in Supreme Court and enforced as an Order of that Court.
- 2) A Monetary Order for **\$2,630.06**. This Order must be served on the Tenant and may be file in Provincial 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: January 07, 2011.

Residential Tenancy Branch