



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

### Dispute Codes:

OPR, MNR, MNSD, FF

### Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, to retain all or part of the security deposit, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

### Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent; to keep all or part of the security deposit; and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The Landlord and the Tenant agree that this tenancy began on April 26, 2010; that the Tenant and a co-tenant entered into a written tenancy agreement in which they jointly agreed to pay \$1,450.00 in rent for the rental unit; and that there was an understanding that the co-tenant would pay \$700.00 for the lower portion of the home and this Tenant would pay \$750.00 for the upper portion of the home.

The Landlord and the Tenant agreed that rent for the upper portion of the home is still outstanding for January of 2011.

The Landlord and the Tenant mutually agreed to resolve this and all other disputes arising from this tenancy prior to this date under the following terms:

- The Landlord will withdraw the Ten Day Notice to End Tenancy that was served on January 06, 2011
- The Tenant will withdraw the application to set aside the Ten Day Notice to End Tenancy that was served on January 06, 2011
- The Landlord will withdraw the One Month Notice to End Tenancy that was served on January 06, 2011
- The Tenant will withdraw the application to set aside the One Month Notice to End Tenancy that was served on January 06, 2011
- The Landlord will withdraw the application for a monetary Order for unpaid rent and the cost of filing the Application for Dispute Resolution
- The Tenant will withdraw the application for a monetary Order that was the subject of a dispute resolution hearing on January 26, 2011
- The Tenant will pay the rent for January and February of 2011 by February 02, 2011
- The Landlord and the Tenant mutually agree to end this tenancy on February 28, 2011.

### Conclusion

On the basis of the mutual agreement reached at this hearing, I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. I direct that this Order may not be served on the Tenant prior to February 26, 2011 unless the Tenant fails to pay rent for February and January of 2011 by February 02, 2011, in which case the Order may be served on, or after, February 03, 2011.

Subject to the aforementioned timelines, this Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

This Order is issued 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 27, 2011.

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Residential Tenancy Branch