

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. The parties confirmed that the tenant was handed a 10 Day Notice to End Tenancy for Unpaid Rent by the landlord's representatives on January 20, 2011. The tenant also confirmed receiving the landlord's February 4, 2011 dispute resolution hearing package by registered mail. I am satisfied that the landlord served these documents to the tenant in accordance with the *Act*.

At the hearing, the tenant testified that he sent the Residential Tenancy Branch a copy of an earlier January 7, 2011 decision of another Dispute Resolution Officer (DRO) six days before the hearing. Although the tenant's evidence had not been forwarded to me, the landlord said that she had received the January 7, 2011 decision, the key document of the tenant's written evidence.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent? Is the landlord entitled to a monetary order for unpaid rent? Is the landlord entitled to recover his filing fee for this application from the tenant?

Background and Evidence

This one-year fixed term tenancy commenced on September 1, 2010. Monthly rent was set at \$760.00, payable on the first of each month. The landlord continues to hold the tenant's \$389.00 security deposit paid on August 28, 2010 and the tenant's \$250.00 pet damage deposit paid on August 19, 2010.

Analysis

Pursuant to section 63 of the *Act*, the DRO may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties discussed the differences between them, turned their minds to compromise and reached an agreement to settle their dispute. The parties agreed that:

1. This tenancy will come to an end at one o'clock p.m. on April 1, 2011, by which time the tenant will have vacated the rental unit.
2. The landlord will retain \$21.68 from the tenant's security deposit to resolve all monetary issues between the parties as of the date of this agreement (February 28, 2011).
3. These particulars comprise the full and final settlement of all matters between the parties relating to the rental unit as of this date and, for greater clarity, neither party will file any further applications against the other with the Residential Tenancy Branch with respect to an issue that pre-dates March 1, 2011.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession to be used by the landlord if the tenant does not vacate the rental premises in accordance with their agreement. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia. I also allow the landlord to withhold \$21.68 from the tenant's security deposit, reducing the total amount of the remaining portion of the tenant's security deposit held by the landlord to \$358.32.

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*.