



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 dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, for an order of possession. The landlord also applied for a monetary order for unpaid rent, the filing fee and to retain the security deposit. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Does the tenant owe the landlord rent?

Background and Evidence

The tenancy started on June 01, 2008 for a monthly rent of \$1,600.00. Prior to moving in the tenant paid a security deposit of \$800.00.

The tenant agreed that he was behind on rent and that he had been served a notice to end tenancy on October 08, 2010. He made some installments towards rent, for which the landlord issued receipts for use and occupancy only. The tenant agreed that at the time of the hearing, he owed the landlord \$9,265.00. The tenant also agreed to move out by February 28, 2011. During the hearing, both parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties 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 reached an agreement to settle their dispute.

Specifically, both parties agreed to the following:

- The tenant agreed to move out on or before **1:00 p.m. on February 28, 2011**.
An order of possession will be issued to the landlord effective this date.
- The tenant agreed that he owed the landlord **\$9,265.00** in unpaid rent.

Pursuant to the above agreement and section 55(2) of the *Residential Tenancy Act*, I am issuing a formal order of possession effective February 28, 2011. The Order may be filed in the Supreme Court for enforcement.

The landlord has established a claim of \$9,265.00. I order that the landlord retain the security deposit of \$800.00 plus interest of \$8.03 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$8,456.97. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective on or before **1:00 p.m. on February 28, 2011** and a monetary order in the amount of **\$8456.97**.

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: February 03, 2011.

Residential Tenancy Branch