



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes

Landlord: OPR, MNR, MNSD, FF
Tenant: CNC, CNR

Introduction

This hearing was convened by way of conference call this date to deal with applications filed by the landlord and by the tenant. The landlord has applied for an Order of Possession for unpaid rent or utilities; for a monetary order for unpaid rent or utilities, for an order permitting the landlord to retain the security deposit in partial satisfaction of the claim, and to recover the filing fee from the tenant for the cost of this application. The tenant has applied for an order cancelling a notice to end tenancy for cause and to recover the filing fee from the landlord for the cost of this application.

During the course of the hearing the tenant explained that he was served with a notice to end the tenancy for unpaid rent or utilities, not for cause. The landlord did not oppose an amendment to the tenant's application, and the tenant's application is hereby amended to show that the tenant has applied for an order cancelling a notice to end tenancy for unpaid rent or utilities.

Further, during the course of the hearing, the parties agreed to settle this dispute on the following conditions:

1. The tenant will pay the rent due and reimburse the landlord the \$50.00 filing fee on Friday, February 4, 2011 in the total sum of \$3,950.00 which covers the period of December 17, 2010 to February 16, 2011;
2. If the tenant pays the rent on February 4, 2011, the landlord will reimburse the tenant by \$25.00 for an overpayment of the security deposit collected by the landlord on December 15, 2010;
3. The tenant will pay rent when it is due on February 17, 2011;
4. If the tenant fails to make the payments described above on the dates described above, the landlord may serve an Order of Possession and the tenant will vacate the rental unit.

Due to the settlement reached by the parties, I hereby grant an Order of Possession in favour of the landlord. If the tenant fails to pay the amounts due on the dates specified above, the landlord will serve the tenant with the Order of Possession. If the landlord serves the tenant with a copy of the Order of Possession, the tenant will vacate the rental unit. If the landlord serves the Order of Possession on the tenant and the tenant fails 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.

I order that the landlord retain the security deposit and interest of \$1,000.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2,950.00. This order may be filed in the Provincial Court of British Columbia, Small Claims division 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: February 02, 2011.

Residential Tenancy Branch