



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 conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent; a Monetary Order for unpaid rent and to keep the security deposit; and to recover the filing fee associated with this application.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

At the outset, the landlord confirmed that the tenants moved out of the rental unit on October 30th, 2011 and that the application for an Order of Possession is withdrawn.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order, and if so for what amount?

Is the landlord entitled to keep all or part of the security deposit?

Is the landlord entitled to recover the filing fee?

Background and Evidence

The rental unit consists of single family home. Pursuant to a written agreement, the fixed term tenancy was based on a one year lease, starting on September 1st, 2009 and ending on August 31st, 2010, at a rate of \$2200.00 payable on the first of each month. The tenant paid a security deposit in the amount of \$1100.00.

The tenancy was renewed for another fixed term ending August 31st, 2011, and the monthly rent was increased to \$2270.00.

During the hearing the parties reached a settlement. Section 63 of the *Residential Tenancy Act* provides for the parties to resolve their dispute during the dispute resolution proceedings. Accordingly, the parties have agreed to the following:

- The amount owed by the tenant to the landlord is \$4775.20 inclusive of the filing fee.
- Starting April 15th, 2011, the tenant will pay the landlord \$250.00 to \$300.00 every month.
- The tenant will increase his payments to the landlord as he secures additional employment income.
- The tenant will repay the debt within 6 months of the date of the first payment.
- A monetary order is issued to the landlord as surety should the tenant fail to meet his obligations.

Conclusion

As a result of this settlement I grant the landlord a monetary order for the sum of \$4775.20.

If necessary, This Order may be registered in the Small Claims 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: March 09, 2011.

Residential Tenancy Branch