

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 the 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 agreed that the landlord's building manager handed the tenant a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice) on March 4, 2011. The parties agreed that the tenant received the landlord's March 14, 2011 registered letter containing the dispute resolution hearing package. I am satisfied that the landlord served these documents in accordance with the *Act*.

Issues(s) to be Decided

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

Background and Evidence

This one-year fixed term tenancy commenced on September 1, 2010. Monthly rent is set at \$800.00, payable on the first of the month. The landlord continues to hold the tenant's \$400.00 security deposit paid on September 1, 2010.

The landlord testified that her company sent the tenant the Notice because the tenant was in rental arrears of \$910.00 on March 4, 2011. The parties agreed that since that date the tenant has made two additional payments towards his unpaid March 2011 rent. They agree that these payments of \$120.00 on March 19, 2011 and \$300.00 on March 24, 2011, were accepted by the landlord for use and occupancy only. The parties agree that there is currently \$540.00 owed by the tenant to the landlord and that a further \$800.00 is due on April 1, 2011 for April 2011 rent.

Analysis

Pursuant to section 63 of the *Act*, the dispute resolution officer 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 issues identified in the landlord's application, turned their minds to compromise and reached an agreement to settle their dispute. The parties agreed that:

1. By April 15, 2011, the tenant committed to pay \$540.00 in outstanding rent and fees owing from March 2011 to the landlord, and his rent of \$800.00 for April 2011.
2. If the tenant does not pay all outstanding rent and fees owing in accordance with the above agreement by April 15, 2011, the tenant agrees to vacate the rental unit by one o'clock in the afternoon on April 15, 2011.
3. If the tenant makes the above payments totalling \$1,340.00 by April 15, 2011, the landlord agrees to continue this tenancy.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties.

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 meet the terms of 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.

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*.