



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent and Utilities, a monetary Order for unpaid rent, a monetary Order for money owed or compensation for damage or loss, to retain all or part of the security deposit, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent and/or utilities; to keep all or part of the security deposit; and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Landlord and the Tenant agree that this tenancy began on February 06, 2011 that the Tenant is required to pay monthly rent of \$900.00 plus a portion of the utilities.

After considerable discussion the Landlord and the Tenant agreed to resolve this dispute under the following terms:

- The Tenant will vacate the rental unit by June 10, 2011
- The Tenant will pay the Landlord \$990.00 in rent, which includes all rent due prior to June 10, 2011
- The Tenant will pay the Landlord \$490.00 for utilities that are due up to May 19, 2011
- The Landlord will withdraw his application to retain the security deposit and that matter will be addressed once the rental unit has been vacated.

Analysis

As this matter has been resolved by mutual consent, I decline to award the Landlord compensation for the cost filing this Application for Dispute Resolution, as it is likely this matter could have been resolved without these proceedings.

Conclusion

On this basis of the mutual agreement reached at this hearing, I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on June 10, 2011. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

On this basis of the mutual agreement reached at this hearing, I grant the Landlord a monetary Order for the amount of \$1,480.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia 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: June 09, 2011.

Residential Tenancy Branch