



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNSD, MNDC, 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, 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 late fees; 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 Agent for the Landlord and the Tenant agree that the Tenant is currently required to pay monthly rent of \$835.00 on the first day of each month and that he currently owes the Landlord \$1,710.00.

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

- The Tenant will pay the Landlord \$855.00 by July 02, 2011, in partial satisfaction of the money he owes the Landlord
- The Tenant will pay the Landlord \$855.00 by July 15, 2011, in partial satisfaction of the money he owes the Landlord
- The Tenant will pay the Landlord \$855.00 by July 29, 2011, in full satisfaction of the money he owes the Landlord plus the rent he will owe the Landlord for July of 2011

- The Landlord will withdraw the application to recover the cost of filing this Application for Dispute Resolution
- The Tenant will vacate the rental unit upon being served with an Order of Possession if he fails to make any of the aforementioned payments.

Conclusion

On the basis of the aforementioned settlement agreement, I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. In the event that Tenant fails to make any of the payments on the dates outlined in this settlement agreement, the Landlord may serve the Order of Possession on the Tenant, file it with the Supreme Court of British Columbia, and enforce it as an Order of that Court.

On the basis of the aforementioned settlement agreement, I grant the Landlord a monetary Order, in the amount of \$2,565.00. In the event that Tenant fails to make any of the payments on the dates outlined in this settlement agreement, the Landlord may serve the monetary Order on the Tenant, file it with the Province of British Columbia Small Claims Court and enforced it as an Order of that Court. Upon enforcement of the monetary Order, this Order shall be reduced by any of the payments made toward this debt.

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 10, 2011.

Residential Tenancy Branch