

DECISION

Dispute Codes OPR, MNR

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; and
- a monetary order for unpaid rent pursuant to section 67.

Both parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. The tenant confirmed that the landlord handed him a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice) on May 3, 2011. The tenant confirmed that the landlord handed him a copy of the dispute resolution hearing package on May 28, 2011. I am satisfied that the landlord served these documents to the tenant in accordance with the *Act*.

At the commencement of the hearing, the landlord said that he was no longer applying for an Order of Possession because the tenant vacated the rental unit by May 31, 2011. On that basis, I accepted the landlord's request to withdraw his application for an Order of Possession.

At the hearing, the landlord gave undisputed testimony that the unpaid portion of rent that he is now seeking is \$1,195.00. I amended his application at his request to reflect this reduction in the amount of his monetary claim.

Issues(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent?

Background and Evidence

This month-to-month tenancy commenced on December 1, 2007. Monthly rent was set at \$925.00, payable in advance on the first of the month. The parties agreed that they have made mutually satisfactory arrangements regarding the tenant's November 19, 2007 security deposit of \$500.00.

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 the hearing, the parties discussed the issues between them, engaged in a

conversation, turned their minds to compromise and achieved a resolution of their dispute.

During this hearing, the parties reached an agreement to settle their dispute on the following terms.

1. The parties agreed that the tenant will pay the landlord a monetary award of \$1,195.00 by June 21, 2012, in order to resolve all outstanding matters in dispute arising out of this tenancy.
2. The parties agreed that a monetary Order in the landlord's favour will be issued to give effect to their agreement.

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

Conclusion

In order to implement the above settlement reached between the parties, I issue a monetary Order in the landlord's favour in the amount of \$1,195.00. I deliver this Order to the landlord in support of the above agreement for use in the event that the tenant does not abide by the terms of the above settlement by June 21, 2012.

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*.