

Decision

Dispute Codes: OPR, MNR, FF / DRI, FF

Introduction

This hearing was convened in response to 2 applications: i) by the landlords for an order of possession / a monetary order as compensation for unpaid rent or utilities / and recovery of the filing fee; ii) by the tenants to dispute an additional rent increase / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether either party is entitled to any of the above under the Act, Regulation or tenancy agreement

Background and Evidence

Tenant “AGG” began his tenancy sometime in 1998, and vacated the unit effective June 30, 2011. However, evidence of a formal written tenancy agreement between the parties is limited to the period from January 1 to December 31, 2006. A security deposit was collected from tenant “AGG,” and it is thought to be in the amount of approximately \$400.00. At the time when tenant “AGG” vacated the unit, monthly rent was \$825.00.

Tenants “DLG” & “MSG” moved into the unit sometime in 2007. Henceforth, between them, tenants “AGG,” “DLG” & “MSG” pooled their resources to pay the landlord monthly rent totaling \$825.00. Despite the increase in the number of tenants in the unit, no formal written tenancy agreement was created further to the one referenced above.

After tenant “AGG” vacated the unit on June 30, 2011, tenants “DLG” & “MSG” continued to reside in the unit. However, tenants “DLG” & “MSG” paid rent limited to the amount of their contribution during the time when tenant “AGG” was still a tenant, which was \$425.00. The landlords take the position that tenants “DLG” & “MSG” are responsible for the full month’s rent of \$825.00 and that, accordingly, rent is still outstanding for July in the amount of \$400.00, and for August in the amount of \$400.00.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that the landlords and tenant “AGG” will resolve directly between them the disposition of the security deposit;
- that tenants “DLG” & “MSG” will vacate the unit by no later than Midnight, Wednesday, August 31, 2011, and that an order of possession will be issued in favour of the landlords to that effect;
- that tenants “DLG” & “MSG” will pay \$400.00 to the landlords, and that a monetary order will be issued in favour of the landlords to that effect;
- that the above payments will be made by way of 4 separate Postal Money Orders, each in the amount of \$100.00;
- that the above Postal Money Orders will be mailed to the landlords, respectively, as follows:
 - i) by not later than midnight, Thursday, September 15, 2011
 - ii) by not later than midnight, Saturday, October 15, 2011
 - iii) by not later than midnight, Tuesday, November 15, 2011
 - iv) by not later than midnight, Thursday, December 15, 2011
- that the parties withdraw their respective applications to recover the filing fee;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for all parties.

Conclusion

I hereby issue an **order of possession** in favour of the landlords effective not later than **Midnight, Wednesday, August 31, 2011**. This order must be served on the tenants.

Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$400.00**. Should it be necessary, this order may be served on the tenants, filed 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*.

DATE: August 31, 2011

Residential Tenancy Branch