



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 tenants 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 male tenant (the tenant) confirmed that the tenants received the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) posted on their door by the landlord on September 2, 2011. The tenant also confirmed that both he and the female tenant received a copy of the landlord's dispute resolution hearing package handed to the female tenant on September 30, 2011. The landlord entered into written evidence a signed statement from the female tenant attesting to her receipt of the landlord's dispute resolution hearing package. I am satisfied that the landlord served these documents to the tenants.

At the commencement of the hearing, the tenant said that he was commencing the process of moving the tenants' belongings from the rental unit later that afternoon. He said that the tenants planned to vacate the premises by the following afternoon.

The landlord asked for permission to add the unpaid rent from October 2011 to the amount requested in the landlord's application for dispute resolution. I agreed to revise the landlord's application to reflect a \$2,670.00 monetary award sought by the landlord plus the \$50.00 filing fee for the landlord's application.

### Issues(s) to be Decided

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

### Background and Evidence

This tenancy commencing as a six-month fixed term tenancy on December 1, 2010 converted to a month-to-month tenancy when the fixed term expired. Monthly rent is set at \$1,310.00, payable in advance on the first of each month. The landlord continues to hold the tenants' \$655.00 security deposit paid on or about November 28, 2010.

The parties agreed that the tenants have not paid any portion of the amount identified as owing for September 2011 rent or any part of their October 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 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, both parties reached an agreement to settle their dispute on the following terms:

1. The parties agreed that this tenancy will end by 1:00 p.m. on October 28, 2011, by which time the tenants will have vacated the rental premises.
2. The parties agreed that a monetary award will be issued in the landlord's favour in the amount of \$2,065.00, which satisfies the landlord's application for dispute resolution.
3. The parties agreed that the landlord will retain the tenants' security deposit.
4. The parties agreed that this agreement constituted a final and binding resolution of all issues in dispute between them at this time arising out of this tenancy.

### 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 in the event that the tenants do not vacate the rental premises in accordance with 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.

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue a monetary Order in the landlord's favour in the amount of \$2,065.00. The landlord is provided with these Orders in the above terms and the tenant(s) must be served with a copy of these Orders as soon as possible. Should the tenant(s) fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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: October 27, 2011

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Residential Tenancy Branch