



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent; a Monetary Order for unpaid rent; and to recover the filing fee associated with this application.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

At the outset the tenant testified that she moved out of the rental unit on October 31st, 2011. Therefore the landlord withdrew his application for an Order of Possession.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order, and if so for what amount?

Is the landlord entitled to recover the filing fee?

Background and Evidence

The rental unit consists of an apartment in a multi-unit complex. Pursuant to a written agreement, the fixed term tenancy started on August 1st, 2011 and was to end on January 1st, 2012. The rent is \$850.00 per month and the tenant paid a security deposit of \$425.00.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and the exact amount of unpaid rent. The tenant stated that she moved out on October 31st, 2011, that she notified the new resident manager and that she handed over the keys to the unit. The landlord stated that this may have happened as he did not have an opportunity to speak with the resident manager before the hearing. The parties agreed to settle the amount owed by the tenant.

Analysis

Section 63 of the *Residential Tenancy Act* provides for the parties to resolve their dispute during the dispute resolution proceedings. Accordingly, the parties have agreed to the following:

- The tenant agreed to forfeit the \$425.00 security deposit.
- The tenant owes the landlord an additional \$490.00 in unpaid rent for the month of October 2011.
- The tenant does not owe rent for November 2011.
- The landlord is granted a monetary order for the sum of \$490.00.

Conclusion

I hereby issue the landlord a Monetary Order for the sum of \$490.00.

This Order may be registered 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*.

Dated: November 23, 2011.

Residential Tenancy Branch