



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with the landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent and authorization to retain the security deposit. Both parties appeared at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

At the commencement of the hearing the parties indicated they had come to a mutual agreement to resolve this dispute.

### Issue(s) to be Decided

1. What are the terms of the mutual agreement?
2. Is the landlord entitled to an Order of Possession for unpaid rent?
3. Is the landlord entitled to a Monetary Order for unpaid rent?

### Background and Evidence

It was undisputed that the tenancy commenced in 2002 and the tenants are currently required to pay rent of \$1,228.00 on the 1<sup>st</sup> day of every month.

On September 9, 2011 the landlord issued a 10 Day Notice for Unpaid Rent indicating the tenants owed \$4,946.00 in rent as of September 1, 2011. In making this application November 4, 2011 the landlord has applied to recover \$5,000.00 from the tenants.

The parties agreed to the following terms during the hearing:

1. The tenants shall pay \$4,000.00 to the landlord by the end of the day on November 23, 2011;
2. The tenants shall pay \$1,000.00 to the landlord by December 31, 2011;
3. The tenants must pay their monthly rent of \$1,228.00 when due;
4. The landlord will issue receipts for "use and occupancy only" until the arrears are satisfied;

5. Upon satisfaction of the above described payment plan the tenancy will be reinstated;
6. The landlord will be provided an Order of Possession to serve upon the tenants in the event the tenants fail to fulfill the above described payments;
7. The landlord will be provided a Monetary Order for the outstanding rent arrears of \$5,000.00 to enforce if payments are not made;
8. The landlord withdraws the request for retention of the security deposit at this time.

### Analysis

I accept the mutual agreement reached by the parties and make the terms an order to be binding upon both parties.

In recognition of the mutual agreement I provide the landlord with an Order of Possession that may be served upon the tenants only in the event the tenants fail to fulfill the terms of the mutual agreement. The Order of Possession is effective two (2) days after service upon the tenants.

I award the landlord the filing fee and I find the landlord has established an entitlement to recover rental arrears of \$5,000.00. I provide the landlord a Monetary Order in the total amount of \$5,050.00 to serve upon the tenants. The landlord may enforce any unpaid balance in Provincial Court (Small Claims) as necessary.

### Conclusion

This dispute has been resolved by mutual agreement. The landlord has been provided an Order of Possession and Monetary Order in accordance with the mutual agreement.

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 24, 2011.

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Residential Tenancy Branch