



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 an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent and a Monetary Order for unpaid rent, to keep all or part of the security deposit, and to recover the cost of the filing fee for this application.

The parties appeared at the teleconference hearing, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issue(s) to be Decided

1. Has the Tenant breached the *Residential Tenancy Act*, regulation and or tenancy agreement?
2. If so, has the Landlord met the burden of proof to obtain an Order of Possession and a Monetary Order as a result of that breach, pursuant to sections 55 and 67 of the *Residential Tenancy Act*?

Background and Evidence

The parties agreed they entered into a verbal tenancy agreement that began on August 1, 2011. Rent is payable on the first of each month in the amount of \$1,900.00 and just prior to August 1, 2011 the Tenant paid \$950.00 as the security deposit. The Tenant has since paid rent in full up to November 30, 2011.

During the course of this hearing the parties agreed to settle this matter.

Analysis

The parties agreed to settle this matter on the following terms:

- 1) The Landlord agrees to withdraw his application; and

- 2) The Tenant agrees to pay December 2011 rent in full no later than Saturday December 3, 2011, 2011 at 4:00 p.m.; and
- 3) The Landlord agrees to attend the rental unit on Saturday December 3, 2011 at 4:00 p.m. to pick up the December 2011 rent payment;
- 4) If payment is received for December 2011 as listed above then the parties agree to reinstate the tenancy agreement.

In favour of the above settlement agreement the Landlord will be issued an Order of Possession to be served upon the Tenant if the Tenant fails to abide by this settlement agreement or if the rent payment provided does not clear the bank.

This matter has been settled and the Landlords' application has been withdrawn; therefore the Landlords must bear the burden of the cost of their application.

Conclusion

The Landlord's decision will be accompanied by an Order of Possession effective two days upon service to the Tenant. This Order is legally binding and must be served upon the Tenant.

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: December 01, 2011.

Residential Tenancy Branch