



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

SETTLED DECISION

Dispute Codes MNSD, OPR, MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's application for an order of possession, for a monetary order for unpaid rent, authority to retain the tenants' security deposit and to recover the filing fee.

The parties appeared, were affirmed into the hearing and the hearing process was explained. After some testimony, the parties agreed that they could resolve their differences and agreed to record a settled decision.

Issue(s) to be Decided

Is the landlord entitled to an order of possession and to recover the filing fee?

Can the parties reach a mutual agreement to resolve this dispute?

Settled Agreement

After discussion, the landlord and the tenant agreed that this tenancy will continue upon the following terms and conditions:

- 1) The tenants have paid the January 2012 rent which was due and was the subject of a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice");
- 2) The tenant submitted that the February 2012 rent was paid in full on February 1, 2012, although the landlord was not sure if the cheque had cleared the bank as of the day of the hearing;
- 3) The tenant understands the landlord will be issued an order of possession, effective on March 31, 2012, based upon the settled agreement, and that if the tenant fails to make timely monthly rent payments as due under the tenancy agreement, the landlord may serve the order of possession on the tenants and obtain a writ of possession;

- 4) The landlord understands and agrees not to serve the order of possession on the tenants unless the tenants fail to make timely monthly rent payments for at least the next 6 months;
- 5) The landlord agrees that the order of possession will expire after a period of six months;
- 6) The tenant understands based upon the settled agreement, the landlord will be issued a monetary order in the amount of \$50.00 for recovery of the filing fee.

Conclusion

The landlord and tenant have reached a settled agreement that the tenancy will continue pending timely monthly rent payments by the tenants.

Based upon the settled agreement, as provided in section 63 of the Act, I grant the landlord an **Order of Possession** that is effective **on March 31, 2012, at 1:00 p.m.** unless timely monthly rent payments are paid by the tenants for a period of six month.

Based upon the settled agreement, the landlord is provided a monetary order in the amount of \$50.00 for recovery of the filing fee.

This settled 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: February 07, 2012.

Residential Tenancy Branch