



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR and FF

Introduction

This hearing was convened on the landlord's application for a Monetary Order to perfect an agreement acknowledging indebtedness and promise of repayment signed by the parties on August 18, 2011.

The claim arises from a tenancy that ran from September 1, 2006 to March 31, 2011.

At the commencement of the hearing, the tenant confirmed the agreement that she had agreed that she owed \$1,925.26 for damages and unpaid rent and that she had only been able to make one of the promised \$40 monthly payments since that time.

The tenant stated that she is in the midst of bankruptcy proceedings which she believes will be finalized on February 21, 2012. She said she had provided the trustee with a record of her indebtedness to the landlord, and the landlord is included in the list of creditors.

The landlord's agent asked for the Monetary Order to include the outstanding balance and the fee for this proceeding and the tenant expressed no objection.

While the landlord's agent has submitted substantial documentary and photographic evidence in support of the claims, as the parties have made and confirmed their written agreement of indebtedness, there is no need for this decision to look behind the agreement. I find that the landlord is entitled to the Monetary Order as requested.

The amount is calculated as follows:

Amount owed to landlord as per written agreement of August 18, 2011	\$1,927.26
Sub total	\$1,977.26
Less payment made August 31, 2011	- 40.00
TOTAL	\$1,937.26

Conclusion

The landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia for **\$1,937.26** for service on 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: February 17, 2012.

Residential Tenancy Branch