



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

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.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

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 June 15, 2011 and was to end on July 31, 2012. The rent is \$800.00 per month and the tenant paid a security deposit of \$400.00.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution. Matters discussed included, but were not limited to; the tenant's arrears for three months of unpaid rent; the tenant's unexpected, but temporary financial setbacks; the tenant's employment; and the tenant's ability to pay his arrears.

### 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 will pay all arrears in the amount of \$2475.00 in unpaid rent for December 2010, January and February 2012, which includes full rent of \$800.00 per month and \$25.00 late fee by no later than February 24, 2012.
- Should the tenant default, the tenancy will end and the landlord is granted an Order of Possession effective no later than February 24, 2012, and;
- The landlord is awarded a Monetary Order for \$2475.00.

### Conclusion

I grant the landlord an Order of Possession effective February 24, 2012. If necessary, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Pursuant to Section 67 of the Act, I grant the landlord a monetary order for the sum of \$2475.00. 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: February 14, 2012.

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Residential Tenancy Branch