



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 or Possession for unpaid rent and a Monetary Order for unpaid rent, for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement, to keep all or part of the security deposit, and to recover the cost of the filing fee from the Tenant for this application.

The parties appeared at the teleconference hearing and gave affirmed testimony. During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

1. Has the Tenant breached the *Residential Tenancy Act*, regulation or tenancy agreement by failing to pay rent?
2. 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 fixed term tenancy agreement that began on July 1, 2010 and switched to a month to month tenancy after June 30, 2011. Rent is payable on the first of each month in the amount of \$850.00 with \$425.00 of this amount being paid directly to the Landlord from Income Assistance. The Tenant paid \$425.00 on June 25, 2010 as the security deposit.

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

Analysis

The parties agreed to settle his matter on the following conditions:

- 1) The Landlord withdraws her application; and
- 2) The Tenant agrees to pay to the Landlord **\$950.00** on or before March 31, 2012, which will pay for all rent and applicable fees including payments due up to March 31, 2012; and
- 3) The tenancy will continue.

In support of the above settlement agreement the Landlord will be issued an Order of Possession and a Monetary Order that can be served upon the Tenant if he fails to pay the Landlord the \$950.00 in accordance with the above listed agreement.

Conclusion

The parties have settled this matter and the Landlord's decision will be accompanied by an Order of Possession and a Monetary Order as noted above.

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: March 01, 2012.

Residential Tenancy Branch