



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNDC, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent and damage or loss and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

Mutually Settled Agreement

The parties agreed:

- That the tenant received a 10 Day Notice for Unpaid Rent issued on February 2, 2012, deemed served on February 5, 2012, that had an effective vacancy date of February 13, 2012.
- On February 18, 2012, the tenant paid February 2012, rent owed in full and a receipt for use and occupancy was issued as payment was not made within 5 days of February 5, 2012;
- That the tenant owes rent for March, 2012, in the sum of \$840.00 plus a \$20.00 late fee and the \$50.00 filing fee;
- That the tenant will pay the landlord \$460.00 by March 15, 2012, and the balance owed, \$460.00 by March 31, 2012; and
- That if the tenant fails to make the first payment by March 15, 2012, the landlord may then serve the tenant with an Order of possession issued as part of this mutual agreement.

Conclusion

By mutual agreement the landlord has been granted an Order of Possession that is effective two days after the notice has been served; the Order may not be served to the tenant prior to March 15, 2012, and then it may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim, in the amount of \$920.00, which is comprised of unpaid March 2010 rent, a late fee and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order in the sum of \$920.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court. If payments are made as agreed to by the tenant, this Order will not be enforceable.

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 05, 2012.

Residential Tenancy Branch