



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, OPR, FF

Introduction

This hearing dealt with applications by the tenant and the landlord pursuant to the *Residential Tenancy Act*.

The landlord served the tenant with a notice to end tenancy for nonpayment of rent and applied for an order of possession pursuant to this notice. The tenant applied for an order to set aside this notice. Both parties applied for the recovery of the filing fee.

Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy started on February 01, 2009. The tenant was repeatedly late paying rent and the landlord charged the tenant a late fee of \$5.00 per day. I informed the landlord that pursuant to section 7(d) of the *Residential Tenancy Regulation* a landlord may charge an administration fee of not more than \$25.00 for late payment of rent. The tenant stated that she was charged large amounts of late fees over the years but was not able to provide accurate information.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle their dispute. Both parties agreed to the following terms:

1. The landlord agreed to allow the tenancy to continue up to April 30, 2012. An order of possession will be granted to the landlord effective this date.
2. The tenant agreed to move out on or before 1 p.m. on April 30, 2012.
3. The tenant agreed to pay \$400.00 on April 01, 2012. The landlord will be granted a monetary order in this amount.
4. Both parties stated that they understood and agreed that these particulars comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

As per the above agreement, I grant the landlord an order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I also grant the landlord a monetary order in the amount of \$400.00 which is the rent for April due on April 01, 2012. This order may be filed in the Small Claims Court and enforced as an order of that Court.

As this dispute was resolved by mutual agreement and not based on the merits of the case, the parties must bear the cost of filing their own application

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 30, 2012.

Residential Tenancy Branch