



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION and RECORD OF SETTLEMENT**

### **Dispute Codes:**

Tenant: CNR

Landlord: OPR, MNR, MNSD, FF

### **Introduction**

This hearing was convened in response to cross- applications by the tenant and landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order to cancel a Notice to End for unpaid rent for the tenant - Section 46
2. An Order for Possession for Unpaid rent – Section 55
3. An Order to retain the security deposit by the landlord - Section 38
4. A Monetary Order for the landlord for the Unpaid Rent – Section 67
5. An Order to recover the filing fee for this application - Section 72.

Both parties attended the hearing and provided their testimony. The parties dispute one another's testimony as to the facts in this matter. However, the parties agree that to date the rent for February and March 2012 has yet to be paid, and that the landlord is owed that amount of rent, and the landlord confirms they want the tenant to vacate and that the tenant confirms they wish to move as soon as possible. The parties agree that the outstanding rent arrears are in the amount of \$1120.00, and that the tenant wishes to pay this amount, and that the landlord holds a security deposit in the amount of \$300.00 from the outset of the tenancy April 01, 2010.

During the course of the hearing the parties discussed their dispute and agreed to settle the issues in dispute to their full satisfaction of both parties, and that I record their settlement as per Section 63 of the Residential Tenancy Act, as follows:

1. The tenant and landlord agree that **this tenancy will end** April 01, 2012, and
2. The tenant and landlord agree the landlord will receive an **Order of Possession** effective **April 01, 2012**.
3. The parties agree that the landlord is owed rent in the amount of **\$1120.00**
4. The parties agree that the landlord will receive a **Monetary Order** in the amount of the rent arrears of \$1120.00 – **minus** the amount of the security deposit of \$300.00 the landlord holds.

### **Conclusion**

This Decision and Settlement is final and binding on the parties.

I grant the landlord an **Order of Possession, effective April 01, 2012**, as agreed. The tenant must be served with this Order. If the landlord serves the Order of Possession on the tenant and the tenant fails 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 grant the landlord a Monetary Order, as agreed, under Section 67 of the Act for unpaid rent. The security deposit will be off-set from the award made herein. As the parties were able to settle their matter, I decline to award the landlord recovery of the filing fee for the cost of this application.

### ***Calculation for Monetary Order***

Rental Arrears	\$1120.00
<b>Total Monetary Award</b>	<b>\$820.00</b>

**I Order** that the landlord retain the security deposit of \$300.00 in partial satisfaction of the claim and I grant the landlord a **Monetary Order** under Section 67 of the Act for the balance due of **\$820.00**. If necessary, this order may be filed 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: March 26, 2012

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Residential Tenancy Branch