



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 was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee. Both parties participated and/or were represented in the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began more than 4 years ago. Monthly rent is currently \$650.00. The landlord's agent testified that a security deposit was collected at the start of tenancy, which was at least \$300.00.

The landlord's agent testified that partial payments toward rent were made in May and June 2011, but that no rent whatsoever has subsequently been paid for the 9 month period from July 2011 to March 2012. The landlord issued a 10 day notice to end tenancy for unpaid rent dated February 9, 2012. The notice was served in-person on that same day to the tenant's agent who is also a co-tenant. A copy of the notice is not before me in evidence. No payments have been made toward rent following service of the notice, and both tenants continue to reside in the unit.

During the hearing the parties undertook to achieve a resolution of the dispute.

Analysis

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that the tenant and the co-tenant will vacate the unit by not later than 1:00 p.m., Thursday, March 15, 2012, and that an order of possession will be issued in favour of the landlord to that effect;
- that the landlord will retain the tenant's full security deposit, thought to be at least \$300.00;
- that the landlord's retention of the security deposit will offset the full amount of the landlord's \$50.00 filing fee, and will provide a nominal offset against unpaid rent which is allegedly in excess of \$5,000.00;
- that the landlord withdraws the aspect of her application concerning a monetary order as compensation for the full amount of allegedly unpaid rent;
- that the above particulars comprise full and final settlement of all aspects of the dispute which are currently before me for both parties.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Thursday, March 15, 2012**. This order must be served on the tenant. 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.

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 06, 2012.

Residential Tenancy Branch