



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNR, MNSD, MT, CNR, FF

Introduction

This conference call hearing was convened in response to two applications for dispute resolution as follows:

By the tenant: as an application for more time to make an application to cancel a notice to end tenancy; and for cancellation of a notice to end tenancy for unpaid rent.

By the landlord: as an application for an Order of Possession for unpaid rent and for cause; a Monetary Order for unpaid rent; to keep the security deposit; and to recover the filing fee associated with his application.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order, and if so for what amount?

Is the landlord entitled to keep all or part of the security deposit?

Is the landlord entitled to recover the filing fee?

Is the tenant entitled to more time to make an application to cancel a notice to end tenancy?

Should the notice to end tenancy be set aside, and should the tenancy continue?

Background and Evidence

The rental unit consists of a condominium in a multi unit complex. Pursuant to a written agreement, the month to month tenancy started in January 2010. The rent is \$1100.00 per month.

At the outset, the advocate for the tenant requested an opportunity for a settlement to this dispute and the parties undertook to achieve a resolution.

Analysis

Section 63 of the *Residential Tenancy Act* provides for the parties to resolve their dispute during the dispute resolution proceedings. Accordingly, the parties have agreed to the following:

- The tenancy will end April 30th, 2012.
- The landlord is granted an Order of Possession effective April 30th, 2012.
- The tenant owes the landlord \$6690.00 in unpaid rent.
- The tenant will undertake to reimburse the tenant the full amount by January 1st, 2012.
- The landlord is granted a Monetary order effective January 1st, 2013.
- This agreement constitutes a full settlement of the dispute concerning this tenancy between the parties.

Conclusion

I grant the landlord an Order of Possession effective no later than April 30th, 2012. If necessary, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Pursuant to Section 67 of the Act, I grant the landlord a monetary order for \$6690.00 effective January 1st, 2013. This Order may be registered 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 28, 2012.

Residential Tenancy Branch