



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

SETTLED DECISION

Dispute Codes For the landlord: OPR, MNR, MNSD, MNDC, FF
For the tenant: RP, CNR

Introduction

This hearing dealt with the cross applications of the parties for dispute resolution under the Residential Tenancy Act (the “Act”).

The landlord applied for an order of possession due to unpaid rent, a monetary order for unpaid rent and for money owed or compensation for damage or loss, authority to keep all or part of the tenant’s security deposit, and to recover the filing fee for the application.

The tenant applied for an order requiring the landlord to make repairs to the rental unit and to cancel a Notice to End Tenancy.

The parties appeared and the hearing process was explained. Thereafter the parties gave affirmed testimony and were provided the opportunity to present their evidence orally and in documentary form, and to make submissions to me.

Issue(s) to be Decided

Is the landlord entitled to a monetary order, an order of possession due to unpaid rent and for recovery of the filing fee?

Is the tenant entitled to a monetary order and an order requiring the landlord to make repairs?

Can the parties reach a mutual agreement to resolve this dispute?

Settled Agreement

After testimony and discussion, the landlord and the tenant agreed that they could resolve their differences and reach a mutual settlement under the following terms and conditions:

1. The tenant will pay the unpaid rent of \$1100.00 owed for May 2012;
2. The tenant understands the landlord will be issued a monetary order in the amount of \$1100.00;
3. The landlord agrees that the tenant may continue to reside in the rental unit until June 30, at 1:00 p.m.;
4. The tenant understands the landlord will be issued an order of possession, based upon the settled agreement, and that if the tenant fails to vacate the rental unit by June 30, 2012 at 1:00 p.m., the landlord may serve the order of possession on the tenant and obtain a writ of possession;
5. The parties agree that the tenant does not owe monthly rent for the month of June, due to compensation owed to the tenant under the Act by having received a 2 Month Notice to End Tenancy for Landlord's Use of the Property;
6. The landlord waives his request to recover the filing fee; and
7. The parties acknowledge their understanding that this settled Decision resolves the matters contained in their respective Applications.

Conclusion

The landlord and tenant have reached a settled agreement.

Based upon the settled agreement as outlined above, I provide the landlord with a monetary order for \$1100.00.

The monetary order for \$1100.00 is enclosed with the landlord's Decision. This order is a legally binding, final order, and it may be filed in the Provincial Court of British Columbia (Small Claims) should the tenant fail to comply with this monetary order as agreed above.

Based upon the settled agreement as outlined above, I provide the landlord with an order of possession for the rental unit should the tenant fail to vacate the rental unit by June 30, 2012, at 1:00 p.m.

The order of possession with the landlord's Decision. This order is a legally binding, final order, and may be filed in the Supreme Court should the tenant fail to comply with this order of possession.

This settled agreement 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: June 07, 2012.

Residential Tenancy Branch