



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was convened as the result of the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act"), seeking an order of possession for the rental unit due to unpaid rent, a monetary order for unpaid rent and for recovery of the filing fee.

The parties appeared and at the outset of the hearing, the landlord's agent presented that the issues between the parties had been resolved when they executed a mutual agreement to end the tenancy should the tenant not pay her July rent by July 21, 2012. However, the landlord's agent stated that out of an abundance of caution, he would still request to have a settled Decision reached and that an order of possession and monetary order be issued. The tenant agreed as well to the settlement.

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?

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

Settled Agreement

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 rent for July of \$685.00 by July 21, 2012;
2. The tenant understands the landlord will be issued a monetary order in the amount of \$685.00, which becomes legally enforceable in the event the tenant fails to pay this amount;
3. The landlord agrees that the tenancy will continue until August 1, 2012, at 1:00 p.m., in the event the tenant fails to pay rent for July;
4. The landlord agrees that if the tenant pays rent of \$685.00 by July 21, 2012, the tenancy will continue until it may otherwise legally end;
5. The tenant understands the landlord will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenant fails to pay the July rent of \$685.00 by July 21, 2012, the landlord may serve the order of possession on the tenant and obtain a writ of possession;

6. The landlord agrees to not serve the order of possession on the tenant if the tenant pays rent for July of \$685.00 by July 21, 2012;
7. The landlord waives his claim for rent for the month of March 2012 and for recovery of the filing fee for this application; and
8. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the landlord's application and that no finding is made on the merits of the said application for dispute resolution.

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 \$685.00.

The monetary order for \$685.00 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 the terms as agreed above.

Based upon the settled agreement as outlined above, I provide the landlord with an order of possession for the rental unit to ensure that the tenant vacates the rental unit by August 1, 2012, at 1:00 p.m. in the event the tenant fails to pay rent as agreed above.

The order of possession is enclosed with the landlord's Decision. This order is a legally binding, final order, and may be filed in the Supreme Court of British Columbia for enforcement should it become necessary.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

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: July 19, 2012.

Residential Tenancy Branch