



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR MNSD MNDC FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent and a Monetary Order for unpaid rent or utilities, to keep the security deposit, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and to recover the cost of the filing fee from the Tenants for this application.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other and gave affirmed testimony. During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

### Issue(s) to be Decided

1. Is the Landlord entitled to an Order of Possession?
2. Is the Landlord entitled to a Monetary Order?

### Background and Evidence

The parties agreed they entered into a month to month tenancy that began on December 1, 2003. Rent is payable on the first of each month in the amount of \$1,600.00 and on October 30, 2003 the Tenants paid \$800.00 as the security deposit.

During the course of this hearing the parties agreed to settle these matters.

### Analysis

The parties agreed to settle these matters on the following terms:

- The Landlord agrees to withdraw her application in favour of this settlement agreement; and

- The Tenants agree to pay the Landlord by cash or bank drafts for the May, June and July 2012, rental arrears of \$4,800.00 (3 x \$1,600.00) in three payments as follows:
  - July 12, 2012 \$1,600.00
  - July 19, 2012 \$1,600.00
  - July 27, 2012 \$1,600.00 + \$50.00 for the filing fee
- The Tenants agree to pay rent for August 1, 2012 on time.

In support of this settlement agreement the Landlord will be issued an Order of Possession and a Monetary Order to be served upon the Tenants in the event they fail to make any of the payments as outlined above.

### Conclusion

The Landlord has been issued an Order of Possession effective **two days after service on the Tenants**. This Order is legally binding and must be served upon the Tenants if they fail to meet the obligations of the settlement agreement listed above.

The Landlord has been issued a Monetary Order for **\$4,850.00**. This Order is legally binding and must be served upon the Tenants if they fail to meet the obligations of the settlement agreement listed above. The amount of the Monetary Order would automatically be reduced if any payments have been made in accordance with the settlement agreement, prior to service of the Order.

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: July 04, 2012.

---

Residential Tenancy Branch