



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: OPR, FF

### Introduction

This hearing concerns an application by the landlord for an order of possession / 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 the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the year-long fixed term of tenancy began on May 8, 2012. Monthly rent of \$1,480.00 is due and payable in advance on the first day of each month, and a security deposit of \$740.00 was collected.

As a result of concerns related to a broken washing machine, the tenants withheld \$80.00 from June's rent when the landlord attended the unit on June 2, 2012 to collect rent. Subsequently, the landlord's agent personally served the tenants with a 10 day notice to end tenancy for unpaid rent of \$80.00 dated June 7, 2012. There is no copy of the 10 day notice in evidence. Despite their efforts to pay the outstanding rent within the 5 day period available for doing same after service of the notice, while the payment was put into the mail on June 12, 2012, it was not apparently received by the landlord until June 14, 2012. Thereafter, the tenants did not file an application to dispute the notice. Rent has been paid in full for July 2012. In summary, the landlord continues to seek an order of possession.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Section 63 of the Act speaks to the **Opportunity to settle dispute**. Pursuant to this provision, discussion between the parties during the hearing led to a settlement, and it was specifically agreed as follows:

**RECORD OF SETTLEMENT**

- that the tenants will vacate the unit by no later than 1:00 p.m., September 30, 2012, and that an order of possession will be issued in favour of the landlord to that effect;
- that the tenants will make regular payments of monthly rent in full for August and September 2012;
- that the landlord withdraws the application to recover the \$50.00 filing fee;
- that the above particulars comprise full and final settlement for both parties, of all aspects of the dispute which are currently before me.

**Conclusion**

I hereby issue an **order of possession** in favour of the landlord effective no later than **1:00 p.m., September 30, 2012**. This order must be served on the tenants. Should the tenants 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: July 13, 2012.

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Residential Tenancy Branch