



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants to obtain a Monetary Order for the return of their security deposit.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other and gave affirmed testimony. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however each declined and acknowledged that they understood how the conference would proceed.

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. Should the Landlord be granted an Order of Possession?
2. Should the Landlord be granted a Monetary Order?

### Background and Evidence

The parties agreed the Tenant has occupied the rental unit since February 2001 and that the current Landlord has managed the property since May 2011. Rent is payable on the first of each month in the amount of \$717.00 and in February 2001 the Tenant paid \$297.50 as the security deposit.

During the course of the proceeding the parties agreed to settle these matters.

### Analysis

The parties agreed to settle these matters, in accordance with section 63 of the Act, on the following terms:

- 1) The Landlord agreed to withdraw their application; and
- 2) The parties agreed to reinstate the tenancy; and
- 3) The Tenant agreed to pay September 2012 rent of \$717.00 in full on or before September 26, 2012 by cash or money order; and
- 4) The Tenant agreed to pay October 2012 rent of \$717.00 in full on or before October 12, 2012 by cash or money order; and
- 5) The Tenant agreed to pay future rents on the first of each month by personal cheque as per the tenancy agreement.

In support of this agreement the Landlord will be issued an Order of Possession and a Monetary Order for August and September rents (2 x \$717.00). The Landlord is at liberty to serve and enforce these orders in the event the Tenant does not uphold the terms of the settlement agreement.

#### Conclusion

The Landlord has been issued an Order of Possession effective **two days after service on the Tenant**. This Order may be served upon the Tenant in the event the Tenant fails to uphold the settlement agreement.

The Landlord has been issued a Monetary Order for **\$1,434.00**. This Order may be served upon the Tenant in the event the Tenant fails to uphold the settlement agreement.

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: September 04, 2012.

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Residential Tenancy Branch