



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord and the tenant.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

During the hearing the parties came to the following settlement:

1. The landlord withdraws her Application for Dispute Resolution;
2. The parties agree the tenant will pay the outstanding rent for March 2012 and October 2012 as well as the rent for November 2012 on or before November 16, 2012;
3. Should the tenant fail to make the above noted payment by November 16, 2012 the tenant agrees to vacate the rental unit on November 16, 2012;
4. Should the tenant complete the payment to the landlord by November 16, 2012 the tenant agrees to vacate the rental unit on November 30, 2012;

Conclusion

In support of this settlement and with agreement of both parties I grant the landlord an order of possession effective **after service on the tenant** enforceable on November 16, 2012 if the tenant fails to make the payment noted in point 2 above **or** on November 30, 2012 if the tenant completes the payment noted in point 2 above. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$2,400.00** comprised of rent owed.

This order must be served on the tenant, no earlier than November 17, 2012. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

I also note the landlord remains at liberty to file a separate Application for Dispute Resolution no earlier than November 17, 2012 seeking a monetary order for November 2012 rent if the tenant fails to pay it as per point 2 above.

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: October 26, 2012.

Residential Tenancy Branch