



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

### Introduction

This hearing was scheduled to hear a landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent; damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the security deposit. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

In filing this application the landlord named two tenants. I determined the female respondent was not served with the hearing documents and was not a tenant under a tenancy agreement. Therefore, I amended the application and excluded the female respondent's name from this decision and the orders that accompany it.

The parties indicated they had nearly reached a settlement agreement and wished that the hearing be used as an opportunity to facilitate a final agreement and this decision serve as a record of that agreement. I have recorded the final agreement reached between the parties in this decision.

### Issue(s) to be Decided

What are the terms of the mutual agreement?

### Background and Evidence

It was undisputed that the tenant is required to pay rent in the amount of \$500.00 per month and that as of the date of this hearing rent had not been paid for October 2012. It was also undisputed that the landlord is holding a security deposit in the amount of \$100.00.

The parties mutually agreed to the following terms:

1. If the landlord does not receive rent by October 12, 2012 the tenancy shall end and the tenant shall return vacant possession of the rental unit to the landlord on that date.
2. If the landlord receives rent of \$500.00 by October 12, 2012 the tenancy shall end on October 31, 2012 at which time the tenant shall return vacant possession of the rental unit to the landlord.
3. The tenant shall leave the rental unit reasonably clean at the end of the tenancy.
4. In the event the tenant does not pay rent for October 2012 the landlord is authorized to retain the tenant's security deposit.
5. The landlord is authorized to deduct \$50.00 from the tenant's security deposit as recovery of the filing fee paid for this application.
6. The landlord may show the rental unit to prospective tenants starting October 6, 2012 with 24 hours of verbal or written notice. Showings to prospective tenants will be at 11:00 a.m. and/or 7:00 p.m.
7. The landlord waives entitlement to pursue the tenant for any unpaid rent or charges related to the tenant having an additional occupant in the previous months.
8. The landlord shall be provided Orders of Possession with effective dates of October 12, 2012 and October 31, 2012. The Order of Possession effective October 12, 2012 shall not be served or enforced if the landlord receives rent of \$500.00 by that date.

### Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record a settlement agreement in the form of a decision or order. I have recorded the settlement agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

Pursuant to the mutual agreement I provide the landlord with two Orders of Possession: one effective October 12, 2012 and the other effective October 31, 2012. The Order that is effective October 12, 2012 is a conditional Order; meaning, it may not be served or enforced if the landlord receives rent in the amount of \$500.00 on or before October 12, 2012.

Conclusion

The parties reached a mutual agreement to resolve this dispute that has been recorded in this decision. The landlord has been provided a conditional Order of Possession with an effective date of October 12, 2012 that may be served and enforced if the landlord does not receive \$500.00 on or before October 12, 2012. The landlord has also been provided an Order of Possession effective October 31, 2012 that may be served upon the tenant at any time.

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 04, 2012.

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Residential Tenancy Branch