



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 was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

Both parties attended the conference call hearing. The landlord orally amended their application to exclude the application for an Order of Possession, as both parties now intend and wish for the tenancy to continue.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Analysis

The parties each agree that the landlord is owed \$3415.00 in accumulated arrears of rent and that the tenant endeavours to satisfy the arrears over time in concert with their agreement. During the course of the hearing the parties discussed their dispute and reached agreement, choosing to settle this matter *in full satisfaction of the landlord's claim and to the parties' satisfaction*, on the following conditions, and at their request that I record the parties' settlement as follows.

1. The tenant and landlord agree that the tenancy will continue.
2. The tenant and landlord agree that the tenant will continue to make additional payments toward satisfaction of arrears in rent.

3. The tenant and landlord agree that so as to perfect this agreement, the landlord will receive a **Monetary Order** in the agreed amount owed to the landlord - \$3415.00.

It must be noted that if the parties act on their agreement and the tenant pays the landlord the agreed amount, the Monetary Order becomes null and of no effect, and cannot be enforced.

As the parties settled their dispute I decline to grant the landlord recovery of their filing fee.

The parties are encouraged to transact in writing, utilizing receipts.

Conclusion

I grant the landlord a **Monetary Order** under Section 67 of the Act in the amount of **\$3415.00**. The landlord is being given this Order. If the tenant does pay the landlord the agreed amount, the landlord may serve the Order on the tenant. If necessary, the Order may be filed in Small Claims Court and enforced as an order of that court to the amount not satisfied by the tenant.

This Decision and Order is final and binding on both parties.

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: November 27, 2012.

Residential Tenancy Branch