



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 as a result of the landlord's application for dispute resolution under the *Residential Tenancy Act* (the "Act"). The landlord applied for an order of possession for unpaid rent, a monetary order for unpaid rent, and to recover the filing fee.

The tenant and an agent for landlord (the "agent") attended the hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

The agent confirmed that the evidence package was not served on the tenant. As a result of the evidence not being served in accordance with the rules of procedure, the landlord's evidence was excluded from the hearing. The agent was advised that he could present the evidence of the landlord via oral testimony during the hearing as an alternative.

Settlement Agreement

During the hearing, the parties agreed to settle these matters, on the following conditions:

- 1) The tenancy will continue if the payments described below are made in full by the dates and times specified below.
- 2) The parties agree that the tenant owes the landlord **\$4,700.00** comprised of unpaid rent to date.
- 3) The tenant will pay **\$4,700.00** to the landlord on or before **December 19, 2012 by 4:00 p.m.** in person at the landlord's service address, which the tenant confirmed during the hearing.

- 4) The landlord is granted a monetary order pursuant to section 67 of the *Act* in the amount of **\$4,700.00**, which will be of no force or effect if the amount owing has been paid in accordance with #3 above.
- 5) The landlord is granted an order of possession **effective December 20, 2012 at 1:00 p.m.** which will be of no force or effect if the amount owing has been paid in accordance with #3 above.
- 6) The landlord agrees to withdraw their application in full and waive the recovery of the filing fee as part of this settlement agreement.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

If the tenant fails to abide by the above terms the landlord has an order of possession effective **December 20, 2012 at 1:00 p.m.** The tenant must be served with the order of possession. Should the tenant 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. The order of possession will be of no force or effect if the amount owing has been paid in accordance with the mutual agreement described above.

I grant the landlord a monetary order in the amount of **\$4,700.00** which will be of no force or effect if the amount owing has been paid in accordance with the above terms.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: December 12, 2012

Residential Tenancy Branch