



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNR, MNDC, FF

Introduction

This hearing dealt with a landlord's application for an Order of Possession for unpaid rent and cause; and, a Monetary Order for unpaid rent and/or loss of rent and late fees. 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.

After both parties had an opportunity to be heard the parties indicated a willingness to resolve this matter by way of a mutual agreement. I have recorded that mutual agreement by way of this decision and the Orders that accompany it.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

It was undisputed that the monthly rent is currently \$1,189.00. It was also undisputed that the tenant was served with a 1 Month Notice to End Tenancy for Cause on October 4, 2012 with an effective date of November 30, 2012. The tenant did not dispute the Notice and continues to occupy the rental unit. The rent has been paid up to and including the month of November 2012, albeit late.

During the hearing the parties mutually agreed to the following terms:

- A. The tenant shall pay the landlord \$2,428.00 on or before Monday December 17, 2012 and in exchange the tenant shall be permitted occupancy until January 31, 2013.
- B. Should the tenant fail to satisfy the above term the landlord may serve the tenant, and enforce as necessary, an Order of Possession effective two (2) days after service and a Monetary Order for the loss of rent for December 2012 and recovery of the filing fee.

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 by way of this decision and have provided the landlord with the following Orders:

1. An Order of Possession effective January 31, 2013.
2. An Order of Possession effective two (2) days after service that may be served and enforced IF the tenant fails to pay the landlord \$2,428.00 by December 17, 2012.
3. A Monetary Order in the amount of \$1,238.00 [\$1,189.000 + \$50.00] that may be served and enforced IF the tenant fails pays the landlord \$2,428.00 by December 17, 2012.

Should the tenant fail to pay \$2,428.00 by December 17, 2012 the landlord may serve and enforce the Orders as described in 2. and 3. above, and the landlord is granted leave to reapply for loss of rent for January 2013 as necessary.

The landlord did not request retention of the security deposit by way of this Application; thus it shall remain in trust for the tenant, to be administered in accordance with the Act.

Conclusion

The parties reached a mutual agreement. I have recorded the mutual agreement by way of this decision and the Orders that accompany it.

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: December 13, 2012.

Residential Tenancy Branch