



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MT

Introduction

This hearing was scheduled to deal with a tenant's application to dispute a 10 Day notice to End Tenancy for Unpaid Rent and more time to file this application. Both parties appeared or were represented at the hearing.

I determined the tenant had filed this application after the time limit established under the Act. I have the authority to extend a time limit established under the Act in exceptional circumstances only. I find the tenant did not provide an exceptional circumstance that would warrant an extension; however, both parties were given an opportunity to see if the parties could reach an agreement to resolve this dispute.

The parties were able to reach a mutual agreement during the hearing. I have recorded the 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

The parties mutually agreed to the following terms during the hearing:

1. The landlord is entitled to receive \$2,550.00 in unpaid and/or loss of rent up to and including the month of December 2012.
2. The tenancy shall continue conditional upon the tenant :
 - a. Paying \$2,550.00 to the landlord no later than December 31, 2012.
 - b. Paying \$1,400.00 to the landlord for January 2013 rent no later than January 5, 2013.
3. Should the tenant fail to fulfill the conditions above, the tenancy shall end and the landlord may serve the Order of Possession provided to the landlord with this decision.

4. The landlord shall be provided a Monetary Order in the amount of \$2,550.00 to reflect the monies currently owed to the landlord.

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 accepted the mutual agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

I have recorded the mutual agreement by way of this decision and have provided the landlord with a Monetary Order in the amount of \$2,550.00 and an Order of Possession that may be served upon the tenant in the event the tenant fails to fulfill the conditions outlined in term no. 2 of the settlement agreement.

Conclusion

This dispute has been resolved by way of a mutual agreement. The terms of settlement have been recorded in this decision and the landlord has been provided an Order of Possession and Monetary Order that may be served and enforced in the event the tenant fails to fulfill the agreed upon conditions.

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 18, 2012.

Residential Tenancy Branch