



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlords: OPR, MNR, FF
 Tenants: CNR

Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlords sought an order of possession and a monetary order. The tenants sought to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the male landlord and the male tenant.

Issue(s) to be Decided

The issues to be decided are whether the landlords are entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

It must also be decided if the tenants are entitled to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to Section 46 of the *Act*.

Background and Evidence

During the hearing the parties came to the following settlement:

1. The landlords withdraw their Application for Dispute Resolution;
2. The tenants withdraw their Application for Dispute Resolution;
3. The tenants agree to pay the landlords \$1,000.00 no later than January 18, 2013 which represents a portion of the rent that is due on January 18, 2013 according to the latest addendum of the tenancy agreement listing rent at \$2,950.00;
4. The tenants agree to pay the landlords \$15,523.05 no later than January 30, 2013 which represents the total current arrears of \$13,573.05 and the balance of the rent due on January 18, 2013 in the amount of \$1,950.00; and
5. The tenants agree that should they fail to make either one of these payments they will vacate the property.

Conclusion

In support of this settlement and with agreement of both parties I grant the landlords an order of possession effective **after service on the tenants**. This order must be served on the tenants and only takes effect should the tenants fail to meet to any of the conditions outlined in the settlement. If the tenants fail to comply with this order the landlords may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

In addition, in support of this settlement and with agreement of both parties I grant the landlords a monetary order in the amount of **\$16,523.05** comprised of \$13,573.05 rent arrears and \$2,950.00 rent for the period of January 18, 2013 to February 17, 2013, after it becomes due on January 18, 2013.

This order must be served on the tenants. If the tenants fail to comply with this order the landlords may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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: January 08, 2013.

