



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, FF / MT, CNQ, CNR

Introduction

This hearing was scheduled in response to 2 applications: i) by the landlords for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee; and ii) by the tenant for more time to make an application to cancel a notice to end tenancy / cancellation of a notice to end tenancy for unpaid rent / and cancellation of a notice to end tenancy as the tenant does not qualify for subsidized housing.

Both parties attended and / or were represented at the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether either party is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began on or about November 23, 2012. Monthly rent of \$1,500.00 was due and payable in advance on the first day of each month, and a security deposit of \$700.00 was collected. There is no move-in condition inspection report in evidence.

Arising from rent which remained overdue on December 1, 2012, the landlords issued a 10 day notice to end tenancy for unpaid rent dated December 5, 2012. The notice was served in-person on that same date. Subsequently, the tenant made no further payment toward rent, filed an application to dispute the notice on December 11, 2012, and vacated the unit on or about December 21, 2012. There is no move-out condition inspection report in evidence.

With the passage of time since the respective applications were made, circumstances have changed. In the result, the tenant has withdrawn all aspects of her application and, for their part, the landlords no longer seek an order of possession.

During the hearing the parties exchanged views on some of the circumstances surrounding the remaining issues in dispute, and undertook to achieve a resolution.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines (the "Guidelines"), Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 63 of the Act speaks to the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties led to a resolution. Specifically, it was agreed as follows:

RECORD OF SETTLEMENT

- that the landlords will retain the security deposit collected from the tenant in the full amount of \$700.00;
- that further to the above, the tenant will pay the landlords an additional sum of \$1,500.00, and that a monetary order will be issued in favour of the landlords to that effect;
- that the parties will be in contact with each other in order to determine the manner and timing of payment(s) totalling \$1,500.00;
- that the tenant and landlord "RP" will meet at the tenant's current residence at 7:00 p.m. tonight (January 15, 2013) in order that landlord "RP" may recover the landlords' washer and dryer from the tenant;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy for both parties.

Finally, for information, the attention of the parties is drawn to the following provisions of the Act and the Guidelines:

Section 23: **Condition inspection: start of tenancy or new pet**

Section 24: **Consequences for tenant and landlord if report requirements not met**

Section 35: **Condition inspection: end of tenancy**

Section 36: **Consequences for tenant and landlord if report requirements not met**

Section 37: **Leaving the rental unit at the end of a tenancy**

Section 38: **Return of security deposit and pet damage deposit**

Guideline # 1: **Landlord & Tenant – Responsibility for Residential Premises.**

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$1,500.00**. This order may be served on the tenant, filed in the Small Claims Court and 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 15, 2013