



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR

Introduction

This hearing concerns the landlord's application for an order of possession / and a monetary order as compensation for unpaid rent. Both parties attended the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to either 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 sometime in 2001. It is understood that the landlord purchased the property from the previous owner in 2006. Monthly rent is \$853.00, and it is due and payable in advance on the first day of each month. A security deposit of \$350.00 was collected at the start of tenancy.

Arising from rent which remained unpaid when due on January 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated January 6, 2013. The notice was served in-person on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is January 16, 2013. Subsequently, the tenant made a payment toward rent in the limited amount of \$500.00. No further payment of rent has been made, and the tenant continues to reside in the unit.

By letter dated January 4, 2013, the tenant gave notice of her intent to vacate the unit effective February 28, 2013.

During the hearing the parties undertook to achieve a resolution of the dispute.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy 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 tenant will vacate the unit by not later than **Thursday, February 28, 2013**, and that an **order of possession** will be issued in favour of the landlord to that effect;
- that the tenant will pay **\$500.00** to the landlord in satisfaction of all rent which presently remains unpaid for January and February 2013, and that a **monetary order** will be issued in favour of the landlord to that effect;
- that the above payment will be made by **cheque** to be personally delivered to the landlord at the landlord's front door, at **10:00 a.m. on Thursday, February 14, 2013**;
- that the landlord will issue a **receipt** in exchange for the tenant's payment of rent, as above;
- that the landlord will **retain the security deposit** collected from the tenant at the start of tenancy, in addition to all interest accrued since the date of its collection.

The landlord has not filed an application to recover the filing fee.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective **1:00 p.m., Thursday, February 28, 2013**. This order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$500.00**. Should it be necessary, 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: February 13, 2013

Residential Tenancy Branch

