



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPB, MNR, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*, for an order of possession. The landlord also applied for a monetary order for unpaid rent and the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Does the tenant owe the landlord rent?

Background and Evidence

The tenancy started on February 01, 2011. On January 02, 2013, the landlord served the tenant with a notice to end tenancy for nonpayment of rent.

On January 17, 2013, the parties entered into a mutual agreement. The tenant agreed to move out by February 28, 2013 and also agreed to pay the outstanding rent in installments. The parties set up a schedule of payments. The tenant made some payments and the landlord issued a receipt for use and occupancy only. However, the tenant failed to make all the payments as per the schedule and also did not move out on February 28, 2013, as agreed to.

On March 04, 2013, the landlord made this application for an order of possession and for a monetary order for unpaid rent of \$3,045.00 plus \$50.00 for the filing fee.

During the hearing, both parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle their dispute.

Specifically, both parties agreed to the following:

- The tenant agreed to move out immediately. An order of possession will be issued to the landlord effective two days after service on the tenant.
- The tenant agreed that she owed the landlord **\$3,095.00**. A monetary order will be issued to the landlord for this amount.
- Both parties stated that they understood and agreed that these particulars comprise full and final settlement of all aspects of this dispute for both parties.

Pursuant to the above agreement and section 55(2) of the *Residential Tenancy Act*, I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Pursuant to the above agreement, I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act* for the amount of **\$3,095.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order in the amount of **\$3,095.00**.

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: March 28, 2013

Residential Tenancy Branch