



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MT, CNQ, CNR and FF

### Introduction

This hearing was convened on the tenant's application of February 13, 2013 seeking to have set aside a 10-day Notice to End Tenancy for unpaid rent served on February 8, 2013 and recovery of the filing fee for this proceeding.

### Issue(s) to be Decided

Should the Notice to End Tenancy be upheld or set aside?

### Background and Evidence

The parties did not have the exact date, but concur that the tenancy began four or five years ago. Rent is \$1,000 per month and the landlord holds a security deposit of \$500.

During the hearing, the tenant concurred that he had not paid the rent for February 2013 when the Notice to End Tenancy was served and, in the interim he has not paid the rent for March 2013 because he was awaiting the outcome of the hearing. The tenant stated that the funds are in his bank account and he is prepared to pay the rent in full immediately.

### Settlement Agreement

Section 63(2) of the Act provides that, "If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order."

In the present matter, the parties agreed that:

1. The tenant will vacate the rental unit on April 30, 2013 and agrees that the landlord be issued with an Order of Possession in support of the agreement;
2. The tenant will pay the outstanding rent for February and March 2013 immediately and agrees that the landlord be issued with a Monetary Order for the \$2,000 to enforce the agreement in the event the rent is not paid as promised.
3. The tenant acknowledges that he must pay the rent due on April 1, 2013 and promises to do so.

As the landlord acted within his lawful rights in issuing the Notice to End Tenancy, I decline to credit the tenant for the filing fee for this proceeding.

#### Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect at 1 p.m. on April 30, 2013 for service on the tenant.

The landlord's copy of this decision is also accompanied by a Monetary Order for \$2,000 for the February and March 2013 rent, enforceable through the Provincial Court of British Columbia, for service on the tenant if necessary.

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 07, 2013

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Residential Tenancy Branch

