



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD and FF

Introduction

This hearing was convened on an application made by the landlord on February 13, 2013 seeking an Order of Possession pursuant to a Notice to End Tenancy for unpaid rent served in person on February 3, 2013. The landlord also sought a Monetary Order for the unpaid rent, recovery the filing fee for this proceeding and authorization to retain the security deposit in set off against the balance owed.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and a Monetary Order as requested.

Background and Evidence

This tenancy began on September 15, 2012. Rent is \$1,000 per month and the landlord holds a security deposit of \$500.

During the hearing, the landlord gave evidence the Notice to End Tenancy had been served after the tenants had a rent shortfall of \$1,550 at the time of service.

In the interim, the tenants were able to reduce that shortfall to \$311, but have thus far not been able to pay the \$1,000 rent that was due on March 1, 2013, leaving a current outstanding balance of \$1,311.

The tenants concur with the fact and the amount of the rent arrears and made explanation that they had experienced a recent interruption in their employment income at the same time as added costs. The male tenant is now back at work and anticipates being able to bring rent up to date.

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 landlord will be provided with an Order of Possession to take effect on May 31, 2013, but will consider extending the tenancy, at his discretion, if rent payments are brought up to date and paid on schedule by that time;
2. The tenants acknowledge the present indebtedness and that the landlord is entitled to a Monetary Order for the arrears to March 31, 2013 and the filing fee for this proceeding.

The Monetary Order is calculated as follows:

| | |
|--------------------------------|-------------------|
| Rent arrears for February 2013 | \$ 311.00 |
| Rent for March 2013 | 1,000.00 |
| Filing fee | <u>50.00</u> |
| TOTAL | \$1,361.00 |

The security deposit cannot be included in the present award as the tenancy remains current and section 38 of the *Act* prescribes the disposition of security deposits at the end of the tenancy.

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 May 31, 2013 for service on the tenants.

The landlord's copy of this decision is also accompanied by a Monetary Order for \$1,361.00 for the outstanding rent for February and March 2013. The order is enforceable through the Provincial Court of British Columbia, for service on the tenants if necessary.

The landlord remains a liberty to make application for a further monetary award as circumstances dictate.

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

Residential Tenancy Branch

