



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

MT, CNR, OPR, MNR, MNSD, FF

### Introduction

This was a cross-application hearing.

The tenant applied for more time to cancel a Notice ending tenancy for unpaid rent, to cancel a Notice for unpaid rent and to recover the cost of the Application for Dispute Resolution.

The landlord submitted an Application for Dispute Resolution, in which the landlord requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, to retain all or part of the security deposit, and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process.

### Mutually Settled Agreement

The parties agreed to the following facts:

- The tenant was a co-tenant with K.B.;
- That the landlord accepted K.B.'s notice to end tenancy effective March 31, 2013;
- That the co-tenancy ended effective March 31, 2013;
- That the D.J. remained in the unit, over-holding;
- That on March 12, 2013 the landlord had issued a 10 Day Notice to End Tenancy for Unpaid Rent for \$400.00 rent owed to that date;
- That March 2013 rent was paid but the past arrears had not been paid;
- That D.J. did not pay April 2013 rent; and
- That the landlord is holding a \$500.00 deposit which will be deducted from the \$1,400.00 rent owed (\$400.00 plus \$1,000.00 for April, 2013.)

The parties agreed that D.J. was responsible, as a co-tenant, for unpaid rent up to March 2013 and that she was responsible for unpaid rent in April 2013; during the time she has remained in the unit.

D.J. and the landlord agreed that D.J. will vacate the unit by 1 p.m. on April 24, 2013. The landlord will contact the tenant to arrange a move-out condition inspection report.

The parties agreed the landlord would be issued an Order of possession and a monetary Order for unpaid rent and that the \$500.00 deposit would be deducted from rent owed.

Therefore, pursuant to section 63(2) of the Act I Order that this tenancy ended effective March 31, 2013 and find that D.J. has over-held; that the landlord is entitled to an Order of possession and a monetary Order in the sum of \$1,400.00; less the \$500.00 deposit.

Based on the mutual agreement, the landlord has been granted an Order of possession that is effective **at 1 p.m. on April 24, 2013**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Based on the mutual agreement, I grant the landlord a monetary Order in the sum of \$900.00 for all rent owed to April 2013 inclusive. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

### Conclusion

The parties reached agreement to end the tenancy.

The parties reached agreement in relation to unpaid rent.

Orders have been issued in support of the mutual agreement.

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: April 18, 2013