



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Kekinow Native Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55; and
- a monetary order for unpaid rent pursuant to section 67.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to discuss this matter with one another. The female tenant confirmed that she received the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) posted on her door on April 5, 2013. The tenants also confirmed that they received a copy of the landlord's dispute resolution hearing package posted on their door by the landlord's representative at this hearing on April 19, 2013. I am satisfied that the tenants received the above documents from the landlord.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent? Is the landlord entitled to a monetary award for unpaid rent?

### Background and Evidence

This tenancy commenced as a one-year fixed term tenancy on August 1, 2011. After July 31, 2012, this tenancy converted to a periodic tenancy. The economic rent for this subsidized rental unit was initially set at \$1,308.00, of which the tenants have been asked to pay that portion required according to their circumstances and family composition. The parties agreed that the most recent monthly rent for May 2013 was set at \$623.00. The landlord continues to hold the tenants' \$500.00 security deposit

The landlord sought an Order of Possession for unpaid rent, identified in the 10 Day Notice as \$623.00. Although the landlord's application identified \$178.00 as owing as of April 18, 2013, the landlord gave undisputed testimony that this amount has increased to \$492.00 currently owing as of the date of this hearing.

### Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to 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 the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute. They agreed to settle all of the issues in dispute between them on the following terms.

1. Both parties agreed that this tenancy will end by 1:00 p.m. on June 30, 2013, by which time the tenants will have vacated the rental unit.
2. The tenants agreed to pay the landlord \$492.00, the amount they agreed is currently owed to the landlord, as soon as that is possible.
3. Both parties agreed that this settlement agreement constituted a final and binding resolution of all issues in dispute arising out of this tenancy at this time.

### Conclusion

To give effect to the settlement reached between the parties and as discussed with them, I issue the attached Order of Possession to be used by the landlord if the tenants do not vacate the rental premises in accordance with their agreement. The landlord is provided with these Orders in the above terms and the tenant(s) must be served with this Order in the event that the tenants do not vacate the premises by the time and date set out in their agreement. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

In order to implement the above settlement reached between the parties, I issue a \$492.00 monetary Order in the landlord's favour. I deliver this Order to the landlord in support of the above agreement for use in the event that the tenant(s) do not abide by the terms of the above settlement. The landlord is provided with these Orders and the tenant(s) must be served with a copy of these Orders as soon as possible after a failure to comply with the terms of the above settlement agreement. Should the tenant(s) fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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: May 24, 2013

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Residential Tenancy Branch

