



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This hearing dealt with the landlord's application pursuant to section 55 of the *Residential Tenancy Act* (the *Act*) for an Order of Possession for unpaid rent. 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. The tenant confirmed that the landlord handed her the 10 Day Notice to End Tenancy for Unpaid Rent on May 2, 2013. The tenant confirmed that the landlord handed her a copy of his dispute resolution hearing package on May 16, 2013. I am satisfied that the landlord served these documents to the tenant in accordance with the *Act*.

Issues(s) to be Decided

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

Background and Evidence

This tenancy began as a one-year fixed term tenancy on June 1, 2009. When the initial term of this tenancy ended, the tenancy continued as a periodic tenancy. Monthly rent is currently set at \$950.00, payable in advance on the first of each month. The landlord continues to hold the tenant's \$425.00 security deposit paid on or about June 1, 2009.

Although the landlord identified \$950.00 in rent owing as of May 1, 2013, both parties agreed that there is now \$1,400.00 in outstanding rent currently owed by the tenant to the landlord for this tenancy. This outstanding rent remains after the tenant's payments of \$500.00 on May 2, 2013, \$250.00 on May 15, 2013, \$300.00 on May 19, 2013 and \$650.00 on May 22, 2013.

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.

Both parties agreed to a final and binding resolution of all issues currently in dispute between them under the following terms:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on July 31, 2013, by which time the tenant will have vacated the rental premises.
2. The tenant agreed to pay the landlord a sum of \$1,400.00 for rent currently owing for this tenancy by June 21, 2013.
3. The tenant also agreed to pay her \$950.00 rent for July 2013 in accordance with the terms of her Residential Tenancy Agreement.
4. Both parties agreed that this settlement agreement constituted a final and binding resolution of all issues currently under dispute arising out of this tenancy.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession to be used by the landlord if the tenant does not vacate the rental premises in accordance with their agreement. The landlord is provided with these Orders in the above terms and the tenant must be served with this Order in the event that the tenant does not vacate the premises by the time and date set out in their agreement. Should the tenant 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 monetary Order in the landlord's favour in the amount of \$1,400.00. I deliver this Order to the landlord in support of the above agreement for use **only** in the event that the tenant does not abide by the terms of the above settlement. The landlord is provided with these Orders in the above terms and the tenant 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 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: June 12, 2013

Residential Tenancy Branch

