



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PROSPERO REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

Both parties attended and the tenant agreed he received personally the Notice to end Tenancy dated May 6, 2013 and the Application for Dispute Resolution. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated May 6, 2013 for unpaid rent. Is the landlord now entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

Both parties attended and were given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced in June 2007, a security deposit of \$450 was paid and rent is currently \$1020 a month. It is undisputed that the tenant owes \$1020 in rent for both May and June 2013.

The tenant did not dispute the amount owing but asked the landlord to consider his former unblemished rent record and the family deaths and unfortunate circumstances in which he has found himself lately. He assured the landlord that his relative will pay the outstanding rent as soon as he arrives back in the province and can talk with him. He noted that he has an inheritance that will be settled at some time.

After further discussion, the parties agreed to settle on the following terms and conditions:

Settlement Agreement:

1. The tenant agrees to pay all of the rent due for May and June 2013 plus the filing fee of \$50 (total \$2090) by June 18, 2013.
2. The landlord will receive a monetary order for \$2090 and an Order of Possession for June 30, 2013. The landlord agrees to not enforce either of these orders if the tenant fulfills his agreement as set out in #1 above.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Based on the terms of the above noted Settlement Agreement, I find the landlord is entitled to an Order of Possession effective June 30, 2013 and to a Monetary Order for \$2090 (2x\$1020) plus \$50.

Conclusion:

I find the landlord is entitled to an Order of Possession effective June 30, 2013 and a monetary order for \$2090. **I HEREBY ORDER the landlord not to enforce these orders provided the tenant pays \$2090 to the landlord by June 18, 2013.**

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 11, 2013

Residential Tenancy Branch

