



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR 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 55; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord gave sworn evidence of personal service of the Notice to end Tenancy dated May 2, 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 2, 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:

Only the landlord attended the hearing and was given opportunity to be heard, to present evidence and to make submissions. They had claimed \$5324 in rent owing and had provided a rental ledger to support their claim. The tenant did not provide any documents to dispute the amount owing.

The landlord said that they had reached a settlement with the tenant with the following terms:

1. The tenant paid \$3000 in full settlement of the outstanding rent, \$1,000 in cash and \$2,000 by cheque.
2. The tenant has vacated the premises.

The landlord said they believe the cheque may have cleared the bank but they request leave to reapply for a monetary order should the cheque for \$2,000 not be honoured by the bank for any reason.

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

Analysis

Order of Possession

An Order of Possession is no longer needed.

Monetary Order

Pursuant to the terms of the above noted settlement, I give the landlord leave to reapply for a monetary order if the tenant's cheque for \$2,000 is not honoured by the bank for any reason.

Conclusion:

I dismiss the landlord's application as the matter has been settled but I give the landlord leave to reapply for a monetary order if the tenant's cheque for \$2,000 is not honoured by the bank for any reason. No filing fee is awarded as the parties settled the total amount to be paid by the tenant.

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 06, 2013

Residential Tenancy Branch

