Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wamer Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

Landlords' Application: MND; MNR; MNSD; FF

Tenants' Application: CNR; CNC

Introduction

This matter was convened to consider cross applications. The Landlords applied for a Monetary Order for damages and unpaid rent; to apply the security deposit against their monetary award; and to recover the cost of the filing fee from the Tenants.

The Tenants applied to cancel a Notice to End Tenancy for Cause and a Notice to End Tenancy for Unpaid Rent.

The parties gave affirmed testimony at the Hearing.

Preliminary Matter

At the outset of the Hearing, it was discovered that the Landlord did not issue a Notice to End Tenancy for Cause. Therefore the Tenant's application to cancel a Notice to End Tenancy for Cause was withdrawn.

Issues to be Decided

- Is the Landlord entitled to a Monetary Order, and if so in what amount?

- Should the Notice to End Tenancy for Unpaid Rent issued May 31, 2013, be canceled?

Settlement Agreement

This tenancy started in July of 2002. Current rent is $1,080.00, due in advance on the last day of the month. The parties disagreed with respect to whether or not the Tenant had paid a $450.00 security deposit at the beginning of the tenancy. During the course of the Hearing the parties came to the following settlement:

1. The tenancy will end on **July 15, 2013 at 9:00 a.m.**

2. The parties agreed that the Tenant paid a security deposit of $225.00.
3. The parties agreed that the total rent owed is $14,770.00.
4. The Tenant will pay the Landlord the amount of **$14,545.00**, representing rent owed to the end of the tenancy less the security deposit.

Conclusion

In support of this settlement and with the agreement of both parties I grant the Landlord an Order of Possession effective **9:00 a.m., July 15, 2013** for service upon the Tenants. If the Tenants fail to provide vacant possession of the rental unit to the Landlord by 9:00 a.m., July 15, 2013, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Also in support of this agreement I grant the Landlord a Monetary Order in the amount of **$14,545.00** to be enforced only if the Tenants fail to pay the amount owed as outlined in the settlement above. This Order must be served on the Tenants. If the Tenants fail to comply with this Order, it may be filed in the Provincial Court (Small Claims) and be enforced as an Order 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: July 12, 2013

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Residential Tenancy Branch