



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding M.I.K. INDUSTRIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: *OPR, MNR, CNR, MT, FF*

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent. The tenant applied for an order to set aside the notice to end tenancy and for more time to dispute the notice. Both parties applied for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The tenant applied to dispute the notice to end tenancy in a timely manner and therefore his application for more time to do so is unnecessary.

Issues to be decided

Is the landlord entitled to an order of possession and a monetary order for unpaid rent?

Background and Evidence

The tenancy started on January 01, 2013 for a fixed term ending July 31, 2013. The tenancy agreement specifically states that on July 31, 2013, the tenancy ends and the tenant must move out of the residential unit. The monthly rent is \$4,000.00. The tenant also agreed to pay additional rent for utilities, taxes etc. which works out to \$312.00 per month. The tenant continues to occupy the rental unit and agreed that as of the date of the hearing he owes the landlord \$10,184.00 in unpaid rent. During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle their dispute. Specifically, both parties agreed to the following:

- The tenant agreed to pay \$10,284.00 (unpaid rent plus \$100.00 for the filing fee) by certified cheque no later than 5:00 pm on August 28, 2013. A monetary order will be issued to the landlord for this amount.
- The tenant agreed to pay \$4,312.00 by certified cheque on September 03, 2013 and \$4,312.00 by certified cheque on October 01, 2013
- The landlord agreed to extend the tenancy up to October 31, 2013 if the tenant made the payments as agreed upon and stated above.
- An order of possession will be issued to the landlord effective two days after service on the tenant
- The landlord agreed to serve this order of possession no earlier than October 31, 2013, if the tenant complies with the above terms of the agreement. The tenant confirmed that he understood that the tenancy would end prior to October 31, 2013, if he did not comply with the terms of this agreement.
- Both parties stated that they understood and agreed that the above terms are binding and comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement. I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act*, for **\$10,284.00**. This order may be filed in the Small Claims Court and 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: August 27, 2013

Residential Tenancy Branch