



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Remax Little Oak Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPC, OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord requested an Order of possession for cause, an Order of possession for unpaid rent, a monetary order for unpaid rent, to retain the security deposit and recover the filing fee cost from the tenant.

Preliminary Matters

J.M. confirmed that she was attending the hearing on behalf of the respondent as he was unable to be present. J.M. stated that the tenant asked her to represent him at the hearing and that he provided her with authority to make decisions in relation to the tenancy.

There was some discussion in relation to the status of J.M; whether she was a co-tenant or an occupant; the matter was not decided as a mutual agreement was reached between the parties.

Mutually Settled Agreement

The parties reached the following settled agreement:

- The tenancy will end at 1 p.m. on September 25, 2013;
- The landlord will be issued an Order of possession effective at 1 p.m. on September 25, 2013;
- The parties will meet at the rental unit at 4 p.m. on September 25, 2013 in order to complete the move-out condition inspection report;
- The landlord is entitled to a monetary Order in the sum of \$3,660.24 for rent owed between April and September, 2013 inclusive; less the \$850.00 security deposit, plus the \$50.00 filing fee, for a balance of \$2,860.24; and
- The tenant agrees to cancel the hearing she has scheduled on September 25, 2013 (file 811012) as the tenancy issues have now been settled.

Based on the mutual agreement of the parties, I find, pursuant to section 63(2) of the Act, that the agreement made is in compliance with the Act and is of full force and

effect. Therefore, I Order the tenant to vacate the unit by the agreed upon date; to pay the landlord the agreed upon amount of rent, the filing fee cost and that the landlord is entitled to retain the security deposit in partial satisfaction of the claim made.

The landlord has been granted an Order of possession that is effective **two days after it is served upon the tenant and no earlier than September 25, 2013 at 1 p.m.** This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Based on these determinations I grant the landlord a monetary Order in the sum of \$2,860.24. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The parties reached a mutual agreement; the landlord is entitled to an Order of possession and a monetary Order for unpaid rent.

The landlord will retain the security deposit.

The landlord is entitled to the \$50.00 filing fee cost.

The tenant has cancelled her hearing (file 811012) scheduled to be heard on September 25, 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: September 20, 2013

Residential Tenancy Branch