



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF, OPR, MNR, MNSD, MNDC

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant(s), and one brought by the landlord(s). Both files were heard together.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order in the amount of \$2450.00, and a request for recovery of the \$50.00 filing fee.

The tenant's application is a request for an Order canceling a Notice to End Tenancy that was given for nonpayment of rent, and a request for recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession or should the Notice to End Tenancy be canceled?

Is the landlord entitled to a Monetary Order for outstanding rent totaling \$2450.00.

Background and Evidence

This tenancy began on September 7, 2013 with the monthly rent of \$1050.00, and a security deposit of \$350.00 was paid on September 1, 2013.

Both the landlord and the tenant agree that, as of today's date, there is a total of \$2450.00 in rent outstanding to the end of December 2013.

Both the landlord and the tenant also agree that the landlord served the tenant with a 10 day Notice to End Tenancy for nonpayment of rent.

At the hearing the parties came to the following agreement:

- The tenant will pay \$500.00 cash to the landlord on December 13, 2013 to cover a portion of the outstanding rent.
- If the tenant pays \$500.00 cash to the landlord on December 13, 2013 the Landlord has agreed that the tenant will be allowed to live in the rental unit until January 1, 2014.
- An Order of Possession will be issued to the landlord that is enforceable two days after service on the tenant; however the landlord has also agreed that if the tenant pays the \$500.00 cash on December 13, 2013 he will not serve the Order on the tenant until December 30, 2013, thereby ending the tenancy on January 1, 2014.

- A Monetary Order will be issued for the full amount of the outstanding rent, plus the landlords filing fee for a total of \$2500.00.
- The tenant agrees that she will vacate the rental unit on or before January 1, 2014.

Conclusion

In light of the above agreement I've issued an Order of Possession that is enforceable two days after service on the tenant.

I have also issued a Monetary Order in the amount of \$2500.00.

I make no Order regarding the security deposit at this time, as the tenancy is most likely continuing to the end of December 2013.

The tenant's application is dismissed in full without leave to reapply.

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: December 12, 2013

Residential Tenancy Branch