



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Muks Kuk Ol Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, OPB, MNR, MNDC, FF

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation and tenancy agreement / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from April 1 to October 1, 2013. Monthly rent of \$425.00 is due and payable in advance on the first day of each month, and a security deposit of \$320.00 was collected.

The parties signed a "mutual agreement to end a tenancy" form on September 20, 2013. Pursuant to the agreement the tenant was to vacate the unit on November 30, 2013, however, she did not.

Arising from rent which was unpaid when due on November 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated November 5, 2013. The notice was served by way of regular mail. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is November 19, 2013. Subsequently, the tenant made no further payment toward rent and she continues to reside in the unit.

During the hearing the parties undertook to resolve their dispute.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 63 of the Act speaks to the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion led to a resolution and it was specifically agreed as follows:

RECORD OF SETTLEMENT

- that the tenant will vacate the unit by not later than **1:00 p.m., Wednesday, January 29, 2014**, and that an **order of possession** will be issued in favour of the landlord to that effect;
- that the tenant is responsible for unpaid rent for November 2013 (\$425.00) and for the landlord's filing fee (\$50.00), and that a **monetary order** will be issued in favour of the landlord to that effect;
- that the landlord will retain the security deposit of **\$320.00**, and that the security deposit will offset the amount of **\$475.00** (\$425.00 + \$50.00) owed by the tenant to the landlord, as above;
- that the landlord **waives** entitlement to **unpaid rent for December 2013 and January 2014**;
- that the parties will meet at **2:00 p.m., Wednesday, January 29, 2014**, in order to complete a move-out condition inspection and report at the unit.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Wednesday, January 29, 2014**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$155.00** (\$475.00 - \$320.00). Should it be necessary, this order may be served on the tenant, 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: January 13, 2014

Residential Tenancy Branch

