



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: OPR, OPC, MNR, MNSD, MNDC, FF
Tenants: CNR

Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlord sought an order of possession and a monetary order. The tenants sought to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the landlord and both tenants.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent and/or for cause; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 46, 47, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

It must also be decided if the tenants are entitled to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to Section 46 of the *Act*.

Background and Evidence

During the hearing the parties came to the following settlement:

1. The landlord withdraws his Application for Dispute Resolution;
2. The tenants withdraw their Application for Dispute Resolution;
3. The parties agree the tenants will vacate the rental unit no later than 12:00 noon on February 1, 2014;
4. The parties agree the outstanding rental arrears total \$2,100.00;
5. The tenants agree to pay the landlord \$300.00 per month for 7 months to pay off the rental arrears;
6. The tenants agree to provide the landlord with post dated cheques for these 7 payments no later than February 19, 2014;

7. The parties agree these cheques will be posted dated for the 20th of each month beginning on February 20, 2014.

Conclusion

Based on the above settlement and with agreement of both parties I provide the landlord with an order of possession effective **February 1, 2014 after service on the tenants**. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

Also based on the above settlement and with agreement of both parties I provide the landlord with a monetary order in the amount of **\$2,100.00** to be enforced only should the tenants fail to meet any of the payments outlined the settlement.

This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order 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: January 24, 2014

Residential Tenancy Branch

