



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Prospero International Realty Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNSD, OPC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent and to recover the RTB filing fee.

Both the landlord and tenant attended the teleconference hearing and gave affirmed evidence.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The landlord gave evidence that he served the tenant with a 1 Month Notice to End Tenancy for Cause (the "Notice") by posting the Notice on the tenant's door on December 3, 2013. The Notice states the reasons for ending tenancy are that the tenant is repeatedly late paying rent and there has been a breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.

The parties agreed that the tenancy started almost ten years ago. The landlord's representative said that he has been an employee of the landlord for two years and four months and, in that time, the tenant has been late with his rent approximately 20 times. The landlord's representative said that the tenant is sometimes a month or more late with his rent.

The tenant gave evidence that he has twice paid his rent a month late, but he is more frequently five days late or less. He said that the reason he is late is because the landlord insists that he pay his rent by money order.

The landlord gave evidence that the tenant was not behind in his rent at the time of the hearing.

Analysis

Section 63 of the Act provides that the parties may settle their dispute in the hearing, and the director may record the settlement in the form of a decision or an order. Pursuant to this provision, discussion led to a resolution and it was specifically agreed as follows:

RECORD OF SETTLEMENT

1. That the tenant will provide the landlord with post-dated rent cheques, in advance, for six months at a time;
2. That the tenant will pay the landlord the sum of \$62.50 to reimburse the landlord for the RTB filing fee and cost of sending the landlord's application to the tenant by registered mail;
3. The landlord will cancel the Notice.

Conclusion

As the parties have settled the matters at issue, no further action is necessary and the file is closed.

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 30, 2014

Residential Tenancy Branch

