



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Both parties appeared and had an opportunity to be heard.

This tenancy commenced June 1, 2008. The tenants entered into this tenancy agreement with the previous owner of the property. There was no written agreement. The current landlord bought this property on December 31, 2012.

According to the tenants the rent is \$600.00 a month but they pay \$300.00 every two weeks. This payment schedule coincides with the tenants' pay dates. The bi-weekly payment is due on the Monday after pay day. The tenants testified that by paying in this manner they basically pre-paid the December rent.

The landlord knew that the agreement was that payments were to be made bi-weekly but he did not know about the arrangement for December.

The parties agreed that a security deposit of \$300.00 was paid by the tenants.

The parties agreed that the tenants had been served with a 10 Day Notice to End Tenancy for Non-Payment of Rent or Utilities and that the tenants had neither paid the arrears nor filed an application to dispute the notice. As a result of the operation of section 46(5) of the *Residential Tenancy Act* the tenants are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

After a thorough discussion the parties agreed to settle this dispute as follows:

- The parties agreed that the arrears of rent as of December 31, 2013 were \$2400.00.
- The parties agreed that the first bi-weekly payment in 2013 was due on January 3, 2014.
- The parties that if the tenants comply with the following payment schedule, the landlord will permit the tenants to remain in the rental unit:

- \$2400.00 on or before 5:00 pm, January 20, 2014; in payment of the arrears of rent accumulated to December 31, 2013.
- \$600.00 on or before 5:00 pm, January 31, 2014; in payment of the bi-weekly payments due on January 3, 2014 and January 17, 2014.
- \$600.00 on or before 5:00 pm, February 14, 2014; in payment of the bi-weekly payments that are due on January 31, 2014 and February 14, 2014.

If any payment is not made as required by this decision, the landlord may exercise its rights under the Order of Possession that is provided with this decision. The landlord is not reinstating the tenancy by accepting any payment from the tenants. It is only if the tenants make all the payments on the same terms as set out in this decision and pay the arrears in full that the tenancy will continue. Should the tenants fail to comply with this decision, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I also grant the landlord a monetary order pursuant to section 67 in the amount of \$2400.00 for the arrears of rent accumulated to December 31, 2013. If the tenants fail to make the payment on January 20, 2014, as set out in this decision the order may be filed in the Small Claims Court and enforced as an order of that court.

The tenants also agreed to immediately pay the landlord \$50.00 in reimbursement of the fee he paid to file this application for dispute resolution.

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 06, 2014

Residential Tenancy Branch

