



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD

Introduction

This hearing was scheduled to deal with a landlord's application for an Order of Possession for unpaid rent; a Monetary Order for unpaid rent; and, authorization to retain the security deposit. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

After both parties had an opportunity to be heard, the parties indicated a willingness to resolve this dispute by way of a mutual agreement. I have recorded the mutual agreement by way of this decision and the Orders that accompany it.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

It was undisputed that the tenant is required to pay rent of \$2,025 on the 1st day of every month and that the tenant paid a security deposit of \$1,000.00. Further, the fixed term tenancy is set to expire May 31, 2014 and on that date the tenancy ends and the tenant is required to vacate the rental unit.

It was also undisputed that as of the date of this hearing, the tenant still owes \$1,025.00 in rent for the month of February 2014.

During the hearing, the parties mutually agreed upon the following:

1. The tenant shall pay the outstanding rent of \$1,025.00 without further delay.
2. The tenant shall pay the rent, in full and on time, each month for the remainder of the tenancy and if the tenant fails to do so, the landlord may serve the tenant with an Order of Possession provided to the landlord with this decision.
3. In any event, the tenant is required to vacate the rental unit no later than 1:00 p.m. on May 31, 2014.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record a settlement agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

In recognition of the mutual agreement, I have provided the landlord the following orders:

1. A Monetary Order for the sum of \$1,025.00 that the landlord may serve to the tenant if he fails to fulfill term no. 1 of the mutual agreement.
2. A Order of Possession that is effective two (2) days after service that may be served and enforced only if the tenant fails to pay the rent in full and on time for any month during the remainder of the tenancy.
3. An Order of possession that is effective at 1:00 p.m. on May 31, 2014 that may be served upon the tenant at any time.

Conclusion

The parties resolved their dispute by way of a mutual agreement that I have recorded by way of this decision and the Orders that I have provided to the landlord with this decision.

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: February 12, 2014

Residential Tenancy Branch

