



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, 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 or tenancy agreement / retention of the security deposit / and recovery of the filing fee.

Both parties attended and / or were represented and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to any of 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 November 01, 2013 to May 30, 2014. Monthly rent of \$2,100.00 is due and payable in advance on the first day of each month, and a security deposit of \$1,000.00 was collected.

Arising from rent which remained unpaid when due on February 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent dated February 02, 2014. The notice was served in-person on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is February 12, 2014. The dates and amounts of rent which were subsequently paid is not entirely clear, however, there is agreement that rent has not presently been paid in full for April 2014. During the hearing the parties undertook to resolve the dispute.

Analysis

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 between the parties led to a resolution and it was specifically agreed as follows:

RECORD OF SETTLEMENT

- that the tenants will vacate the unit by no later than **Saturday, May 17, 2014**, and that an **order of possession** will be issued in favour of the landlord;
- that the tenants will pay **\$200.00** which is presently outstanding in rent for April 2014, by no later than **midnight, Friday, April 18, 2014**;
- that the tenants will pay approximately ½ month's rent for May 2014 in the amount of **\$1,050.00**, by no later than **midnight, Thursday, May 01, 2014**;
- that a **monetary order** will be issued in favour of the landlord with regard to the above 2 payments in the combined total amount of **\$1,250.00**;
- that the landlord **withdraws / waives** all other claims for unpaid rent;
- that the landlord retains the **security deposit** of **\$1,000.00**, and **withdraws** the application to recover the **\$50.00** filing fee.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **Saturday, May 17, 2014**. This order must be served on the tenants. Should the tenants 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 **\$1,250.00**. Should it be necessary, this order may be served on the tenants, 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: April 15, 2014

Residential Tenancy Branch

