



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PACIFICA HOUSING ADVISORY ASSOCIATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled to deal with cross applications. The tenant filed to dispute a 10 Day Notice to End Tenancy for Unpaid Rent. The landlord applied for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent; and, authorization to retain the tenant's 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.

During the hearing, the parties reached a mutual agreement that I have recorded 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

The parties mutually agreed upon the following terms to resolve their respective disputes:

1. The tenant shall deliver to the landlord's office a \$4,248.00 Money Order or bank draft no later than May 1, 2014. This amount represents rental arrears owed for the months of February, March and April 2014 plus rent for the month of May 2014.
2. In the event the tenant satisfies the above term, the tenancy shall continue until May 31, 2014 at which time the tenant shall return possession of the rental unit to the landlord. With this decision, the landlord shall be provided an Order of Possession effective May 31, 2014 to serve and enforce as necessary.

3. In the event the tenant fails to satisfy term no. 1 above, the landlord is at liberty to serve and enforce the 2 day Order of Possession and the Monetary Order that are provided to the landlord with this decision. The Monetary Order provided with this decision reflects the outstanding rent for the months of February, March and April 2014, plus the \$50.00 filing fee, less the security deposit of \$478.00 which the landlord is authorized to retain in partial satisfaction of the outstanding rent.

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 the 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 provide the landlord with the following Orders:

1. An Order of Possession that is effective at 1:00 p.m. on May 31, 2014;
2. An Order of Possession effective two days after service upon the tenant. This Order may only be served and enforced in the event the tenant fails to satisfy term no. 1 of the mutual agreement.
3. A Monetary Order in the amount of \$2,758.00 [calculated as: $(\$1,062.00 \times 3) + \$50.00 - \$478.00$] that may be served and enforced in the event the tenant fails to satisfy term no. 1 of the settlement agreement.

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 accompany 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: April 30, 2014

Residential Tenancy Branch

