



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: OPR, MNR, MNSD, MNDC, FF
Tenant: CNR, RR, O

Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlord sought an order of possession and a monetary order. The tenant sought to cancel a notice to end tenancy and an order to reduce rent.

The hearing was conducted via teleconference and was attended by the landlord and the tenant.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

It must also be decided if the tenant is entitled to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and an order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to Sections 46 and 66 of the *Act*.

Background and Evidence

During the hearing the parties reached the following settlement:

1. The tenant will vacate the rental unit no later than May 31, 2014 or 2 days after being served an order of possession;
2. The parties agree the outstanding rent and filing fee for this Application owed to the landlord is \$5,100.00;
3. The tenant agrees the landlord may retain the security deposit of \$780.00 currently held by the landlord in partial satisfaction of the above noted debt; and
4. The tenant agrees to pay the landlord \$4,320.00 for the balance of the outstanding rent.

Conclusion

In support of this settlement and with agreement of both parties I grant the landlord an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

In support of this settlement and with agreement of both parties I grant the landlord a monetary order in the amount of \$4,320.00. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: May 27, 2014

Residential Tenancy Branch

