



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- b) An Order of Possession pursuant to Sections 47, and 55; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant attended and confirmed receipt of the Notice to end Tenancy dated May 6, 2014 posted on his door and the Application for Dispute Resolution by registered mail. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

Preliminary Issue:

The tenant stated that his first name was incorrectly spelled on the Application so it was amended to change the 'a' in his first name to an 'e'.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated May 6, 2014 for repeated late payment of rent. Is the landlord now entitled to an Order of Possession and to a Monetary Order for the filing fee?

Background and Evidence:

Both parties attended and were given opportunity to be heard, to present evidence and to make submissions. The home is an older home that was managed unsuccessfully by a family member until the mother took over earlier this year. The company representing the landlord today took over the books and has been trying to clean up the situation. They said that this tenant has been a good tenant but the rent has been late three times and they are evicting him for that cause. The tenant did not dispute the Notice to End Tenancy and the landlord requests an Order of Possession.

The parties discussed the matter and settled on the following terms and conditions:

Settlement Agreement:

1. The tenant will vacate the premises by July 31, 2014 and the landlord will receive an Order of Possession effective on that date.
2. The tenant will have a free month's rent for July 2014 and the landlord waives the filing fee for this application.
3. The landlord will refund the tenant's security deposit within 7 days of him vacating, providing he leaves the premises clean and in reasonable condition.

In evidence are several Notices to End Tenancy, proof of service, copies of some cheques, receipts and rent calculations.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Order of Possession

Based on the above noted agreement, I find that the landlord is entitled to an Order of Possession. An Order of Possession is issued effective July 31, 2014.

No Monetary Order is requested.

Conclusion:

I find the landlord is entitled to an Order of Possession effective July 31, 2014. The landlord has waived the filing fee and has granted the tenant free rent for July 2014 so no monetary order is necessary.

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: July 03, 2014

Residential Tenancy Branch

