



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNDC, MNR, MNSD, FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession; a monetary Order for money owed or compensation for damage or loss; for a monetary Order for unpaid rent; to keep all or part of the security deposit; and to recover the fee for filing this Application for Dispute Resolution. At the outset of the hearing the Landlord withdrew the application for an Order of Possession, as the rental unit has been vacated.

Issue(s) to be Decided

Is the Landlord is entitled to compensation arising from the Tenant remaining in the rental unit after being served with an Order of Possession and for unpaid rent/lost revenue, and is the Landlord entitled to retain the security deposit?

Background and Evidence

After considerable discussion the Landlord and the Tenant agreed to settle this dispute and all other disputes in relation to this tenancy under the following terms:

- The Tenant will pay \$25.00 by the first day of each month until she has paid the Landlord a total of \$3,500.00
- The Landlord will retain the security deposit paid by the Tenant
- The Landlord will not have to pay the \$910.43 that he was ordered to pay at the conclusion of a previous dispute resolution proceeding (file #251727)
- The Application for Dispute Resolution filed by the Tenant (file #254926) is cancelled
- Neither party will seek further compensation regarding this tenancy.

Analysis

This dispute has been settled by the parties in accordance with the aforementioned terms.

Conclusion

On the basis of the aforementioned settlement agreement, I grant the Landlord a monetary Order for \$3,500.00. This Order may be served upon the Tenant if the Tenant fails to make a payment of \$25.00 by December 01, 2014 or if she fails to pay \$25.00 on any subsequent month by the first day of the month, until such time as the \$3,500.00 has been repaid. Once the Order is served upon the Tenant, it may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court. The parties are strongly encouraged to retain records of payments in the event this Order is enforced by the 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: October 16, 2014

Residential Tenancy Branch

