



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPILANO PROPERTY MANAGEMENT SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR MNSD MNDC FF

Introduction:

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

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord gave sworn testimony that the Notice to end Tenancy dated August 6, 2014 was served by posting it on the tenant's door and the Application for Dispute Resolution by registered mail. It was verified online as successfully delivered. I find that the tenant was legally served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated August 6, 2014 for unpaid rent. Is the landlord now entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend although served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord testified that tenancy commenced on April 1, 2011, rent now is \$795 + \$10 storage fee per month and a security deposit of \$387.50 was paid. The landlord testified that the tenant is in rent arrears but they have come to an agreement as follows:

Settlement Agreement:

1. **The tenant agrees to pay the outstanding rent of \$355 by October 20, 2014 and to pay November's rent on November 1, 2014.**

2. The landlord will receive an Order of Possession effective November 3, 2014.
3. The landlord agrees not to enforce this Order provided the tenant pays the amounts owing as promised above.
4. This settles all matters between the parties to this date.

In evidence is the Notice to End Tenancy, the lease agreement and rent ledger.

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

Analysis

Order of Possession

Pursuant to the above noted agreement and sections 46 and 55, I find that the landlord is entitled to an Order of Possession effective November 3 which they have agreed not to enforce providing the tenant pays the rent as agreed above.

Conclusion:

I find the landlord is entitled to an Order of Possession effective November 3, 2014. I find the landlord is entitled to recover filing fees of \$50 paid for this application.

I HEREBY ORDER THAT the landlord may recover the filing fee of \$50 by either adding it to the rent outstanding to be paid by October 20, 2014 or deducting it from the tenant's security deposit.

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 14, 2014

Residential Tenancy Branch

