



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MDSD & FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 10 day Notice to End Tenancy was sufficiently served on the Tenants by posting on January 30, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing, by registered mail to where the tenant resides on February 16, 2015. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided:

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The tenants have lived in the rental unit since August 15, 2014. The landlord purchased the rental unit and took possession in early January 2015. The rent is \$1675 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$850 at the start of the tenancy. The tenant(s) failed to pay the rent for the months of January 2015 (\$1675 is owed) and February 2015 (1675 is owed) and the sum of \$3350 remains owing. The tenant(s) are in the process of vacating the rental unit.

The landlord seeks a monetary order in the sum of \$3350 for non-payment of rent. The tenant testified the rental unit has a lot mold problems and she is considering bringing a claim against the landlord.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on March 10, 2015 and they request that an Order for Possession be issued on two days notice.
- b. The tenants shall pay the landlord the sum of \$1675 to be paid by the landlord retaining the security deposit of \$850 and the balance of \$825 to be paid by the tenants to the landlord.
- c. This is a full and final settlement of the landlord's claim for non payment and loss of rent and of the tenants claim for the reduced value of the tenancy caused by the poor condition of the rental unit.

Analysis - Order of Possession:

As a result of the settlement I granted an Order for Possession on two days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee

I granted the landlord a monetary order in the sum of \$1675.

Security Deposit

I determined the security deposit plus interest totals the sum of \$850. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$825.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and 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: March 09, 2015

Residential Tenancy Branch

