



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR 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:

Both parties attended and the tenant agreed they received the Notice to end Tenancy dated February 7, 2015 taped on the door and the Application for Dispute Resolution personally. 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 February 7, 2015 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:

Both parties attended and were given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced on September 1, 2014, a security deposit of \$600 and a pet damage deposit of \$300 was paid and rent is \$1200 a month. In a hearing in February, the tenant was granted a \$3,000 monetary order which has not yet been paid by the landlord but the tenant agreed he owes some rent and utilities which should be deducted from that.

It is undisputed that the tenant owes \$600 rent for February and \$1200 for March 2015 plus \$571 in utilities. The landlord contended he owed more in utilities but said she really wants to end the tenancy and reclaim the suite as the relationship with the tenant

has not been successful. She agreed to give him a free month's rent in compliance with section 49 of the Act if the tenant agrees to vacate.

After intense negotiation, the parties agreed to settle on the following terms and conditions.

Settlement Agreement:

- 1. The tenant agrees they will vacate on March 31, 2015 and the landlord will receive an Order of Possession effective on that date.**
- 2. The landlord agrees to pay the tenant \$1,729 in full settlement of the outstanding \$3,000 monetary order which he obtained in a prior hearing. The landlord will pay the tenant \$1,000 of this amount on March 21, 2015 at 11 a.m. to help him secure another unit and the remaining \$729 on March 31, 2015.**
- 3. The landlord will retain the security and pet damage deposits in trust to be dealt with in accordance with section 38 after the tenant vacates.**
- 4. The landlord will withdraw her request for a Review Consideration of the prior hearing.**
- 5. This settles all matters between the parties in respect to this tenancy.**

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

Analysis and Conclusion

Pursuant to the above noted agreement, I find the landlord entitled to an Order of Possession effective March 31, 2015. I note the monetary order against the landlord has been settled in the above agreement. No filing fees are awarded as the matter is settled financially between the parties.

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 17, 2015

Residential Tenancy Branch

