



# 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. 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 one month Notice to End Tenancy was sufficiently served by posting on February 26, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing and the Amended Application(s) for Dispute Resolution were sufficiently served by mailing, by registered mail to where the tenant resides. The tenant acknowledged receipt of these documents on April 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 parties entered into a tenancy agreement that provided that the tenancy would start on November 1, 2012. The rent is \$800 per month payable on the first day of each month. The tenant has not paid a security deposit.

The Application for Dispute Resolution filed by the landlord claims outstanding rent in the sum of \$2411. The parties advised that the Ministry has made a part payment of the outstanding rent and the landlord accepted the payment in satisfaction of the rent to the date of payment. The parties agree a further \$800 is owed in outstanding rent since that date.

### Settlement:

He 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 May 20, 2015 and they request the arbitrator issue an Order for Possession for that date.
- b. The tenant acknowledges that he owes rent in the sum of \$800 and consents to a monetary order in that sum.
- c. This is a full and final settlement of the landlord's claim for rent and the landlord releases the tenant from any further claim for non-payment of rent to and including May 20, 2015.
- d. The landlord represents she will clean the rental property upon the tenant vacating and she waives any claims she may have for the cost of cleaning.
- e. The landlord reserves the right to bring a claim against the tenant if the rental property is damaged.

### Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession pursuant to the mutual agreement to end the tenancy. **Accordingly, I granted the landlord an Order for Possession May 20, 2015.**

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 determined the tenant has failed to pay the rent and the sum of \$800 remains outstanding. I granted the landlord a monetary order in the sum of \$800.**

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: May 15, 2015

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Residential Tenancy Branch

