



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPC, OPR, OPB, ET, DRI, OLC, MNDC, MND, RR, MNR, MNDC, FF

### Introduction and Issues to be Decided:

The tenant applied for an order to: reduce rent, dispute a rent increase, to compel the landlord to comply with the Act, and a monetary order for compensation. The landlord has applied for an Order for Possession and Monetary Order based upon a Notice To End the Tenancy for non-payment of rent dated April 1, 2015, a monetary order for compensation for cleaning and repairs, an order for possession for breach, cause and early termination. All parties attended the hearing.

### Settlement:

A tenancy began on February 15, 2015 with monthly rent amounting to \$ 825.00 payable on the last day of the preceding month. The landlord is holding a security and pet deposit totaling \$ 527.50 paid on February 14 and April 27, 2015. The parties agreed that the tenancy shall end on May 31, 2015 subject to a rent payment of \$ 412.50 being made, and they have asked that I record the terms pursuant to section 63(2) as follows:

- a. The tenants will pay the landlord \$ 412.50 by May 27, 2015 representing rent for May 2015,
- b. If the tenants fail to complete the payment in paragraph a. in full and on time the landlord will execute an Order for Possession and a Monetary Order effective May 28, 2015 for the balance owing,
- c. If the tenants complete the payment in paragraph a. in full and on time then the monetary order is void and the landlord shall only execute the Order for Possession effective May 28, 2015 on May 31, 2015, and

- d. The tenants agree to abandon all claims in this application and all future claims for breach of quiet enjoyment during their tenancy as consideration for this settlement, and
- e. The landlord agrees to abandon and not make any future claims for loss of rent or rental revenue as consideration for this settlement.

Conclusion:

As a result of the settlement I granted an Order for Possession effective May 28, 2015 and a Monetary Order effective May 28, 2015 in the amount of \$ 412.50, both which are not to be executed upon unless the tenants are in breach of paragraph a. herein and at that time are to be given credit for any payments actually received. If the tenants complete the payment in paragraph a. herein, the Monetary Order is void and unenforceable and the Order for Possession shall only be executed on May 31, 2015. There shall be no order with respect to reimbursement of the cost of the filing fee to either party as it was not include din the settlement. The landlord must serve the tenants with this decision and Orders both as soon as possible. I have dismissed all of the tenants' applications. I have dismissed with leave all the landlord's other applications. The parties are cautioned to deal with the security and pet deposits in compliance with section 38 of the Act.

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 20, 2015

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Residential Tenancy Branch

