



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD FF

Introduction

This hearing was convened as a result of the landlord's application for dispute resolution under the *Residential Tenancy Act* (the "*Act*"). The landlord applied for an order of possession for unpaid rent or utilities, for a monetary order for unpaid rent or utilities, for authorization to retain the tenant's security deposit, and to recover the cost of the filing fee.

The tenant and the landlord attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

Both parties confirmed that they received the documentary evidence from the other party prior to the hearing and that they had the opportunity to review that evidence prior to the hearing. I find the parties were served in accordance with the *Act*.

Settlement Agreement

During the hearing, the parties agreed to settle this matter, on the following conditions:

1. The parties agree that the landlord is entitled to an **immediate order of possession**. Pursuant to section 55 of the *Act*, the landlord is granted that order.
2. The tenant surrenders her full security deposit of \$1,200 to the landlord towards unpaid rent and agrees to pay an additional **\$1,200** to the landlord for loss of rent.

3. The tenant agrees to make four payments of **\$300** to the landlord by Interac e-Transfer, for a total of **\$1,200**, as follows:
 - A. Friday, October 9, 2015, by 4:00 p.m.**
 - B. Friday, November 6, 2015, by 4:00 p.m.**
 - C. Friday, December 4, 2015 by 4:00 p.m.**
 - D. Friday, January 1, 2015 by 4:00 p.m.**
4. The landlord is granted a monetary order pursuant to section 67 of the *Act*, in the amount of **\$1,200**, which will be of no force or effect if the tenant complies with #3 above and the landlord successfully receives each payment in full from the tenant.
5. The landlord withdraws his application in full and waives the filing fee as part of this mutually settled agreement.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

I order the parties to comply with the terms of their settlement agreement described above. The landlord has been granted an order of possession for the rental unit, effective immediately, as the tenant states that she no longer occupies the rental unit. This order must first be served and may be enforced in the Supreme Court of British Columbia and enforced as an order of that court.

The landlord has been granted a monetary order in the amount of \$1,200. Should the landlord need to enforce the monetary order, the monetary order must be served on the tenant and may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: September 29, 2015

Residential Tenancy Branch