



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNSD, MNDC, FF (Landlord's Application)
MT, DRI, OPT, LAT, RR, O (Tenant's Application)

Introduction and Preliminary Matters

This hearing convened as a result of cross applications.

In the Tenant's Application they sought an Order for more time to make an application to cancel a Notice to End Tenancy for Unpaid Rent or Utilities issued August 1, 2015 (the "Notice"), an Order of Possession, an Order permitting them to change the locks, and an Order that the Tenant be permitted to deduct the cost of repairs from the rent paid. On their application, the Tenants failed to check off the box indicating they sought to cancel the Notice. As they sought more time to make that application, failing to check off this box appeared to be a mistake. Pursuant to section 64(3)(c) of the *Residential Tenancy Act*, I amend their application to claim an Order canceling the Notice.

The Landlord's Application he sought an Order of Possession, authority to retain the security deposit, a Monetary Order for money owed or compensation for damage or loss under the *Act, regulation or tenancy agreement and to recover the filing fee*.

Settlement

During the hearing the parties reached a comprehensive settlement. Pursuant to section 63 of the *Residential Tenancy Act* I record their settlement in this my Decision and resulting Orders. The terms of the settlement are as follows:

1. The Tenants shall pay to the Landlord, by no later than 11:59 p.m. on October 14, 2015 the sum of \$2,000.00 representing the outstanding rent from January 2015 in the amount of \$200.00, in addition to the outstanding rent for August 2015, September 2015 and October 2015 in the amount of \$600.00 per month.
2. Should the Tenants pay the \$2,000.00 as provided for above, they shall be permitted to remain at the rental unit until 1:00 p.m. on October 31, 2015, after

which they shall vacate the rental unit. The Landlord shall be entitled to an Order of Possession effective at 1:00 p.m. on October 31, 2015. The Landlord must serve the Order on the Tenants and may file and enforce the Order in the B.C. Supreme Court.

3. In the event the Tenants do not pay the \$2,000.00 as provided for above, the Landlord shall be entitled to an Order of Possession effective two days after service. The Landlord must serve the Order on the Tenants and may file and enforce the Order in the B.C. Supreme Court.
4. The Landlord shall be permitted to deduct \$50.00 from the Tenants' security deposit of \$300.00. This \$50.00 represents reimbursement of the \$50.00 filing fee paid by the Landlord. The Landlord shall continue to hold the \$250.00 balance until further agreement of the parties or he obtains an Order pursuant to section 38 of the *Act*.
5. The Tenants' claim for an Order disputing an additional rent increase is dismissed with leave to reapply.
6. The Landlord's application for an Order permitting him to retain the security deposit and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement is dismissed with leave to reapply.
7. All other claims made by the parties on their applications filed August 10, 2015 and August 4, 2015, save and except for those dealt with above, are dismissed as if tried on their merits.

Conclusion

The parties resolved all matters by mutual agreement. The Tenants shall pay the Landlord the sum of \$2,000.00 on or before 11:59 p.m. October 14, 2015. Should the Tenants pay this sum as required, they shall be entitled to remain in the rental unit until 1:00 p.m. October 31, 2015. The Landlord is entitled to an Order of Possession effective at that time.

Should the Tenants not pay the \$2,000.00 as agreed, the Landlord shall be entitled to an Order of Possession effective two days after service.

The Landlord may deduct \$50.00 from the Tenant's security deposit as compensation for the filing fee.

The Tenant's application disputing a rent increase and the Landlord's application to retain the security deposit and for a monetary Order pursuant to section 67 are dismissed with leave to reapply. All other claims made on their respective applications are dismissed.

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: October 14, 2015

Residential Tenancy Branch

