



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR & FF

### Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$3600 for unpaid rent
- c. An order to recover the cost of the filing fee

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. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present. The parties acknowledged they had received the documents of the other party.

I find that the 10 day Notice to End Tenancy was sufficiently served on the Tenant by posting on October 2, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the tenant on October 21, 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 recover the cost of the filing fee?

Background and Evidence:

The parties entered into an oral tenancy agreement that provided that the rent was \$900 per month payable in advance on the first day of the month.. The tenant paid a security deposit of \$450.

The tenant is a carpenter. The parties agreed the tenant was to do work in exchange for rent. However, the particulars of the agreement are in dispute. The landlord alleges the amount charged is too high and she did not agree to the price. The tenant testified it is within reasonable workman charges. At any rate the tenant did not pay the rent for the last 10 days in August and the month of September. The landlord stated she agreed to this amount. However the tenant deducted \$680 off the rent for October which the landlord disagrees. The rent was paid for November. The landlord accepted the payment for "use and occupation only."

Settlement:

The parties reached a settlement at the hearing 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 January 31, 2016.
- b. The parties request that the arbitrator issue an Order for Possession for January 31, 2016.
- c. The tenant shall pay the landlord the sum of \$340 by December 4, 2015 in satisfaction for the landlord's claim for rent for October.
- d. The tenant shall pay the rent for December 2015 and January 2016 when due on the first day of each month.
- e. The tenant releases and discharges the landlord from all claims he has for work he has done on the rental unit.

Analysis - Order of Possession:

As a result of the settlement I granted the landlord an Order for Possession effective January 31, 2016. .

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 ordered that the tenant pay to the landlord the sum of \$340 by December 4, 2015. All other claims in the Application for Dispute Resolution are dismissed.

The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

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.

Conclusion:

As a result of the settlement between the parties I granted an Order for Possession effective January 31, 2016 and I ordered the tenant to pay the landlord the sum of \$340 in full satisfaction of the landlord's claim for rent for October

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: November 30, 2015

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Residential Tenancy Branch

