



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GOYAL HOLDINGS CORP.
and [tenant name suppressed to protect privacy]

REVIEW HEARING DECISION

Dispute Codes

OPR, MNR

Introduction

The landlord had originally applied for an Order of Possession and Monetary Order for unpaid rent under the Direct Request procedure. The tenants filed an Application for Review Consideration which resulted in this review hearing. Both parties confirmed that they understood this proceeding would deal with the landlord's entitlement to an Order of Possession and Monetary Order for unpaid rent.

After hearing much disputed testimony from the parties, the parties were able to reach a mutual agreement that I have recorded by way of this decision and the Orders that accompany it.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

It was undisputed that the tenants paid a security deposit of \$445.00 and the monthly rent for this rental unit is \$990.00 due on the 1st day of every month. It was also undisputed that the landlord has not received rent for the months of October 2015, November 2015 and December 2015 and the tenants continue to occupy the rental unit.

The parties agreed to the following terms during the hearing:

1. The tenants shall be permitted occupancy of the rental unit until January 15, 2016 in exchange for the landlord retaining the tenant's security deposit and receipt of \$2,970.00 (\$990.00 x 3) by certified cheque or money order at landlord's office by December 21, 2015.
2. Should the tenants fail to make the payment described above the landlord is at liberty to serve the tenants with an Order of Possession that will be effective two (2) days after service.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a mutual agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlord with the following orders to serve and enforce as appropriate:

1. An Order of Possession effective January 15, 2016 that may be served in any event.
2. An Order of Possession effective two (2) days after service that may be served in the event the tenants fail to fulfill term number 1 of their mutual agreement.
3. A Monetary Order in the amount of \$2,970.00 which represents unpaid or loss of rent for the months of October 2015, November 2015, and December 2015. This Monetary Order may be served at any time and the unpaid balance, if any, shall be enforceable.

This decision and the Orders that were issued on November 10, 2015 are set aside and are replaced with the decision and Orders that I have provided on this date.

Conclusion

The decision and Orders that were issued on November 10, 2015 are set aside and replaced with this decision and the Orders that I have issued on this date.

The parties reached a mutual agreement during the hearing that I have recorded by way of this decision. The landlord has been provided Orders to serve and enforce as necessary in accordance with the terms mutually agreed upon.

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: December 17, 2015

Residential Tenancy Branch

