



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

AMENDED DECISION

Dispute Codes OPR, MNR, MNSD, FF
 CNR

Introduction

This hearing was convened by way of conference call concerning applications made by the landlord and by the tenants. The landlord has applied for an Order of Possession and a monetary order for unpaid rent or utilities, for an order permitting the landlord to keep all or part of the pet damage deposit or security deposit, and to recover the filing fee from the tenants for the cost of the application. The tenants have applied for an order cancelling a notice to end the tenancy for unpaid rent or utilities.

The landlord and both tenants attended the hearing, and the landlord was assisted by 2 family members.

During the course of the hearing, the parties agreed to settle this dispute in the following terms:

1. The tenants will pay to the landlord the amounts set out, and on the dates set out, in the following schedule towards current rent and rental arrears and arrears of utilities:

SCHEDULE

Date	Description	Payments	Due	Balance Owing
Feb 23/16	Rent arrears		2,800.00	2,800.00
Feb 23/16	Fortis arrears		631.82	2,981.82
Feb 23/16	Fortis current		47.92	3,029.74
Feb 23/16	Payment	2,000.00		1,029.74
Mar 1/16	Rent		750.00	1,779.74
Mar 23/16	Payment	900.00		879.74
Apr 1/16	Rent		750.00	1,629.74
Apr 20/16	Payment	1,500.00		129.74
May 1/16	Rent		750.00	879.74
May 18/16	Payment	879.74		0
June 1/16	Rent		750.00	750.00

2. The landlord will have an Order of Possession on 2 days notice to the tenants but will not serve it unless the tenants fail to make any of the payments set out above.
3. If the tenants fail to make any of the payments in the schedule above on the dates specified therein, the landlord may serve the Order of Possession without the necessity of serving the tenants with a notice to end the tenancy or applying for dispute resolution.
4. In addition to the payment schedule above, the tenants will continue to make current payments of utilities when due, and if the tenants fail to do so, the landlord will be at liberty to serve a notice to end the tenancy for unpaid utilities.

Conclusion

For the reasons set out above, and by consent, I hereby order the tenants to make the payments set out in the schedule above on or before the dates set out in that schedule.

I further order the tenants to pay the utilities when due commencing in March, 2016 in addition to the schedule set out above. If the tenants fail to do so, the landlord will be at liberty to serve a notice to end the tenancy for unpaid utilities.

I hereby grant an Order of Possession in favour of the landlord on 2 days notice to the tenants, and I order that the landlord not serve the Order of Possession on the tenants unless the tenants have failed to make the payments specified in the schedule set out above.

If the tenants fail to make any rent or utilities payments beyond the date and amounts contained in the payment schedule, the landlord may end the tenancy in accordance with Section 46 of the *Residential Tenancy Act* by serving a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

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*.

Residential Tenancy Branch

Amended this 8th day of June, 2016