



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD & 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 \$4020 for unpaid rent
- c. An Order to retain the security deposit.
- d. 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 one month Notice to End Tenancy was served on the Tenant by mailing, by registered mail to where the tenant resides on May 5, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on June 23, 2016. 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 retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on October 1, 2006. The present rent is \$720 per month payable on the first day of each month. The tenant paid a security deposit of \$350 at the start of the tenancy.

The tenant(s) acknowledged that she owes rent but she disputes the amount. After discussion the parties agreed that the amount of the outstanding rent should be set at \$3350. The tenant(s) vacated the rental unit on June 19, 2016. .

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the landlord has regained possession.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) and the sum of \$3350 remains outstanding. .

Settlement:

The parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The landlord shall retain the security deposit of \$350 plus interest.
- b. In addition, the tenant shall pay to the landlord the sum of \$3350.
- c. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy including an possible claim for lack of cleaning or damage.
- d. The parties agree to a payment schedule in which the tenant shall pay to the landlord the sum of \$280 per month commencing August 20, 2016 and on the 20th day of each month thereafter until the \$3350 is paid.

Conclusion:

As a result of the settlement I ordered that the landlord shall retain the security deposit of \$350 plus interest. In addition I further ordered that the Tenant(s) pay to the Landlord(s) the sum of \$3350.

It is further Ordered that this sum be paid forthwith. 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.

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: July 27, 2016

Residential Tenancy Branch

