



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNR OPR MNSD FF

### **Introduction:**

Both parties attended the hearing and gave sworn testimony. They confirmed that the 10 Day Notice to End Tenancy dated July 6, 2016 to be effective July 16, 2016 was served by posting it on the door and the Application for Dispute Resolution was served by registered mail. Although the tenant did not get the registered mail because of mail box problems, he acknowledged notification by the landlord of the hearing. I find that the tenant was legally served with the documents according to sections 88 and 89 of the Act. The landlord applies pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55; and
- d) An order to recover the filing fee pursuant to Section 72.

### **Issue(s) to be Decided:**

Is the landlord now entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

### **Background and Evidence:**

Both parties attended and were given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced June 1, 2014, a security deposit of \$470 was paid and rent is currently \$940 a month. It is undisputed that the tenant owes \$1090 rent including September 2016 rent. The parties said they had given thought to the matter and wanted to make a settlement agreement and have Orders issued according to the agreed terms.

### **Settlement Agreement:**

1. The tenant agrees the balance of rent owing including September 2016 in the amount of \$1090 will be paid by Friday, September 16, 2016 by money order.
2. The landlord will receive a Monetary Order for \$1090 which they agree will not be enforced provided the tenant pays as promised.

3. The landlord will receive an Order of Possession effective September 30, 2016.
4. If necessary, the landlord will accept rent for use and occupancy only for October and November because of recognition of medical issues in the tenant's family.

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In evidence is the Notice to End Tenancy, a Notice to End given by the tenant in June, 2016 and evidence of rent owed. On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

### **Analysis**

#### Order of Possession

Based on the above noted settlement agreement, I find that the landlord is entitled to an Order of Possession effective September 30, 2016.

#### Monetary Order

I find that there are rental arrears and loss in the amount of \$1090 representing rental arrears and loss to September 30, 2016. I find the landlord is entitled to a monetary order for \$1090 plus \$100 filing fee which they agree not to enforce provided the tenant pays \$1090 by September 16, 2016 as promised

### **Conclusion:**

I find the landlord is entitled to an Order of Possession effective September 30, 2016. .

I find the landlord is entitled to recover the filing fees of \$100 which may be deducted from the tenant's security deposit of \$470 or collected otherwise from the tenant.

The monetary order for \$1190.00 may be enforced on the terms noted above.

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: September 09, 2016

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Residential Tenancy Branch