



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION
and [tenant name suppressed to protect privacy]

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 February 17, 2017 to be effective March 1, 2017 was served personally and the Application for Dispute Resolution was served by registered mail. The tenant said she picked up a copy of the Application at the office as she was unable to get out to pick up the registered mail. I find that the tenant was 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 2011, no security deposit was paid and rent is subsidized according to income and number of occupants. The landlord said they had been making adjustments based on new information provided. The rent was reduced from \$595 a month, then to \$320. The landlord said they, as a company, want to salvage tenancies if possible but they had problems communicating with this tenant. The Notice and Hearing has now got her attention and they have been able to settle matters between them.

Settlement Agreement:

1. The landlord no longer seeks an Order of Possession or a Monetary Order

2. The tenant promises she will no longer ignore communication from the landlord and she agrees to work with them. She said she is getting help from a Justice society.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Based on the above noted settlement, I dismiss the landlord's application for an Order of Possession and a Monetary Order. I advise the tenant to abide by the terms of her agreement and work with the landlord in order to maintain her tenancy.

Conclusion:

The matter is settled and the Application is dismissed without recovery of the filing fee as it was not requested as part of the settlement.

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: April 11, 2017

Residential Tenancy Branch