



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, MNDCL –S, FFL

### Introduction

This hearing dealt with the landlord's application for an Order of Possession based on a 1 Month Notice to End Tenancy for Cause and a Monetary Order for damages or loss under the Act, regulations or tenancy agreement; and, authorization to retain the tenants' security deposit and pet damage deposit. Both parties appeared or were represented at the hearing and had the opportunity to be make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

After both parties had an opportunity to be heard, I was able to facilitate a mutual agreement between the parties in resolution of this dispute. I have recorded the agreement 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 parties entered into a tenancy agreement that started on January 1, 2018 and the tenants were required to pay rent of \$850.00 on the first day of every month. The landlord collected a security deposit of \$425.00 and a pet damage deposit totalling \$150.00.

It was also undisputed that the landlord served the tenants with a 1 Month Notice to End Tenancy for Cause in late January 2019. The 1 Month Notice has a stated effective date of March 1, 2019. The tenants did not file to dispute the 1 Month Notice. The

landlord has not collected rent after the month of February 2019 and the tenants have continued to occupy the rental unit.

During the hearing, the parties agreed upon the following terms in resolution of this dispute:

1. The tenants shall be permitted occupancy of the rental unit until May 31, 2019 at which time they shall return vacant and reasonably clean possession of the unit to the landlord.
2. The landlord shall be provided an Order of Possession with an effective date of May 31, 2019 to serve and enforce upon the tenants.
3. The landlord is authorized to retain the tenants' security deposit of \$425.00 and pet damage deposit of \$150.00 in partial satisfaction of the loss of rent suffered by the landlord.
4. The landlord shall be provided a Monetary Order for the balance of the loss of rent suffered for the months of March 2019, April 2019 and May 2019 after deducting the amount of the deposits.

### Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement 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 I make the term(s) an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlord with an Order of Possession effective on May 31, 2019.

I also authorize the landlord to retain the tenants' security deposit and pet damage deposit and I provide the landlord with a Monetary Order in the net amount of: \$1,975.00 [(\$850.00 x 3) - \$425.00 - \$150.00].

### Conclusion

The parties resolved this dispute by way of a mutual agreement that I have recorded in this decision. In recognition of the mutual agreement, I provide the landlord with an Order of Possession effective on May 31, 2019. I also authorize the landlord to retain

the tenants' security deposit and pet damage deposit and I provide the landlord with a Monetary Order in the net amount of \$1,975.00.

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: May 09, 2019

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Residential Tenancy Branch