



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNRL-S & FFL

Introduction

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. An Order for Possession for non payment of rent.
- b. A Monetary Order in the sum of \$2501 for non-payment of rent.
- c. An Order to recover the cost of the filing fee.

A hearing was conducted on May 2, 2019 by conference call. For the reasons set out in the Interim Order of that date the hearing was adjourned to todays date. The parties advised they reached a settlement and they asked that I record the settlement.

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.

I find that the 10 day Notice to End Tenancy was served on the Tenant by posting on February 14, 2019. Further I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was sufficiently served on the Tenants by mailing, by registered mail to where the tenants reside on April 1, 2019. 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 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 December 1, 2012. The rent is subsidized annually. The landlord claimed the tenant owed \$4096 to May 2, 2019. The tenant disputed this claim. The

matter was adjourned for the reasons set out in the Interim Decision. The present rent is presently \$918 (including \$40 for laundry) per month payable in advance on the first day of the month.

Settlement:

The parties reached a settlement and they asked that I record the settlement as follows:

- a. The landlord releases and discharges the tenant from the \$4096 claim for non payment of rent as set out in the claim that was set for hearing on May 2, 2019.
- b. The landlord withdraws the claim for an Order of Possession.
- c. The parties agree that the present subsidized annual rent is \$918 per month (including \$40 for laundry) and the tenant shall pay this sum to the landlord commencing July 1, 2019 and on the first day of each month thereafter until varied in accordance with the annual review.
- d. The tenant's 20 year old daughter shall vacate the rental unit by July 1, 2019.

Orders:

As a result of the settlement I ordered that the application for an Order of Possession be dismissed as withdrawn. I further order that the landlord's claim of \$4096 for non payment of rent to May 2, 2019 be dismissed without leave to re-apply.

This decision is final and binding on the parties.

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: June 20, 2019

Residential Tenancy Branch