



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: *OPR, CNR, MNR, MNDC, FF*

Introduction.

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*.

The landlord applied for an order of possession and for a monetary order for unpaid rent and the filing fee. The tenant applied for an order to cancel the notice to end tenancy for non payment of rent and for a monetary order to recover the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession and a monetary order for unpaid rent?

Background and Evidence

This month to month tenancy started about 18 years ago. The landlord purchased this property on July 15, 2009. Rent is currently \$750.00 payable on the 15th of each month.

The landlord stated that he was advised by the previous owner that upon purchase of the property, the tenant would move out. The tenant agreed that he was given one month of free rent for June 15 to July 15. The tenant did not move out on July 15, 2009 and on July 31, 2009, the landlord served the tenant with a two month notice to end tenancy with an effective date of September 30, 2009.

The landlord stated that the tenant failed to pay rent on July 15 and therefore, on August 07, 2009 the landlord served the tenant with a ten day notice to end tenancy for non payment of rent.

The tenant argued that the made two attempts to pay rent after he received the notice,

but the landlord did not accept rent. The tenant agreed that he owed rent to the landlord for the period of July 15 to September 30, 2009.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle their dispute.

Specifically, both parties agreed to the following:

- The tenant agreed to move out on or before 1:00 p.m. on September 30, 2009. An order of possession will be issued to the landlord effective this date.
- The tenant agreed to pay and the landlord agreed to accept \$1125.00 as rent for the period of July 15 to September 30, 2009.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

I grant the landlord an order of possession effective on or before **1:00 p. m. on September 30, 2009** and a monetary order in the amount of **\$1125.00**. Both parties must bear the cost of filing their own application.

Dated September 24, 2009.

Dispute Resolution Officer