



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O, MNDC, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by 3 agents for the landlord and the tenant.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession because of a mutual agreement to end tenancy; to a monetary order for unpaid rent; and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 44, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The parties came to the following agreement during the hearing:

1. The tenants agree to provide the landlord with cash, a money order, or bank draft in the amount of \$2,251.60 by 4:00 p.m. October 3, 2012;
2. If the tenants comply with point 1, the landlord agrees the tenants may vacate the rental unit no later than 1:00 p.m. on October 8, 2012;
3. If the tenants do not comply with point 1, the tenant agrees to vacate the rental unit two days after service of an order of possession on the tenants.

Conclusion

In support of the settlement above, I grant the landlord an order of possession to be enforced in accordance with this agreement. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I also grant the landlord a monetary order in the amount of \$2,251.60 however if the landlord enforces the order of possession granted above prior to October 8, 2012 the monetary order must be reduced by \$56.45 for each day prior to October 8, 2012 that the order of possession is enforced.

This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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: October 03, 2012.

Residential Tenancy Branch