



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

DRI, CNR

Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenant has applied to dispute an additional rent increase and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing.

Mutually Settled Agreement

The parties agreed to the following facts:

- Rent is \$525.00 per month, due on the 1st day of each month;
- That the tenant received a 10 Day Notice to End Tenancy for Unpaid rent in the sum of \$875.00, on January 6, 2013;
- That the tenant paid \$550.00 on January 23rd, 2013;
- The tenant, by the end of this date will owe the landlord \$850.00;
- That no later than 5 p.m. on February 20, 2013, the tenant will pay the landlord \$850.00;
- That the landlord will issue a written receipt for any cash payments made;
- That if the rent totaling \$850.00 is not paid in full by 5 p.m. on February 20, 2013; the landlord will be at liberty to serve the tenant an Order of possession that will be effective 2 days after service.

The tenant also agreed that he will not smoke in his rental unit; that the unit is non-smoking and that this is a term of the tenancy.

Therefore, pursuant to section 63(2) of the Act, I Order the tenant to make payments as agreed and, failing payment, that the landlord is entitled to an Order of possession.

Based on the mutual agreement of the parties the landlord has been granted an Order of possession that is effective **two days after it is served upon the tenant**. This Order may be served on the tenant after 5 p.m. on February 20, 2013; only if payment in the sum of \$850.00 has not been made. The Order may then be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The parties have reached a mutually settled agreement.

I have issued an Order in support of the mutual agreement.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: February 01, 2013

Residential Tenancy Branch

