



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pachira Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR, CNR, MNR, MNSD, MNDC, FF

Introduction:

This hearing was convened in response to cross applications.

The Landlord filed an Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, a monetary Order for money owed or compensation for damage or loss, to retain all or part of the security deposit, and to recover the fee for filing an Application for Dispute Resolution.

The Tenant filed an Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Unpaid Rent.

Both parties were represented at the hearing.

Issue(s) to be Decided:

Is the Landlord entitled to an Order of Possession or should the Notice to End Tenancy be set aside?

Is the Landlord entitled to a monetary Order for unpaid rent and to keep all or part of the security deposit?

Background and Evidence:

After providing details of rent payments for March and April, and service of the Ten Day Notice to End Tenancy, the Landlord and the Tenant mutually agreed to settle this dispute under the following terms:

- The tenancy will end on May 15, 2014, at which time the Tenant will vacate the rental unit
- The Landlord will be awarded an Order of Possession, which will be enforceable if the Tenant does not vacate the rental unit on May 15, 2014

- The Tenant will pay \$425.00 to the Landlord by May 01, 2014, which is the equivalent of ½ month's rent plus \$50.00 in compensation for the fee paid to file this Application for Dispute Resolution
- The Landlord will be awarded a monetary Order in the amount of \$425.00 which will be enforceable if the Tenant does not pay this amount by May 01, 2014
- The Tenant will ensure the rental unit is in reasonably presentable condition when the Landlord shows the unit to prospective renters
- The Landlord will deduct \$89.25 from the Tenant's security deposit for the purposes of cleaning the carpet.

Analysis

This dispute has been resolved by mutual consent, under the terms of the aforementioned settlement agreement.

Conclusion

On the basis of the aforementioned settlement agreement, I grant the Landlord an Order of Possession that is effective **at 1:00 p.m. on May 15, 2014**. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

On the basis of the aforementioned settlement agreement, I grant the Landlord a monetary Order for the amount of \$425.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and 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: April 29, 2014

Residential Tenancy Branch

