



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPB, MNR, FF

Introduction

This hearing was convened as the result of the landlords' application for dispute resolution seeking remedy under the Residential Tenancy Act (the "Act").

The parties appeared and each submitted some of their respective positions.

Thereafter a mediated discussion ensued and the parties agreed to resolve their differences.

Issue(s) to be Decided

Can the parties reach a mutual agreement to resolve this dispute?

Settled Agreement

The landlords and the attending tenant agreed that they could resolve the issues contained in the landlords' application and reach a mutual settlement under the following terms and conditions:

1. The tenant agrees that they owe the landlords a total amount of \$7225, which is comprised of \$712.50 for unpaid rent for June 2013, \$5700 for unpaid rent for July, August, September and October, or \$1245 each month, \$100 for a move-in fee, and \$712.50 for the security deposit;
2. The tenant agrees to make incremental payments in money order or certified funds form toward the total owed as follows: \$6300 on or before October 15, 2013, monthly rent of \$1425 and \$500 on or before November 1, 2013, and monthly rent of \$1425 and \$425 on or before December 1, 2013, in full satisfaction of the current amount owed;

3. The landlords agrees that this tenancy may continue, pending the tenants' timely payments as noted above;
4. The tenants understand that the landlords will be issued an order of possession for the rental unit, which is effective 2 days after service of the order upon the tenants, and that if the tenants fail to make any of the above payments as agreed on the dates noted above, the landlords may serve the order of possession for the rental unit and gain possession of the rental unit;
5. The landlords understand that they will not serve the order of possession for the rental unit on the tenants unless the tenants fail to make any of the payments as agreed above;
6. The tenants understand that the landlords will be issued a monetary order for unpaid rent, in the amount of \$7225, and that should the tenants fail to make the payments as agreed upon above, the landlords may serve the monetary order on the tenants;
7. The landlords understand that the amount of the monetary order will be reduced by the amount of any sums received up until the time order is served;
8. The parties agreed that the order of possession for the rental unit is void after December 1, 2013, if the tenants have made the timely payments as agreed upon above and that the tenancy continues until it may otherwise end under the Act; and
9. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the landlords' application and that no finding is made on the merits of the said application for dispute resolution.

Conclusion

The tenant and the landlord have reached a settled agreement as provided above.

Based upon the settled agreement as outlined above, I provide the landlords an order of possession for the rental unit and a monetary order for \$7225. Both orders are enclosed with the landlords' Decision, and are legally binding and enforceable if needed. The tenants are advised that should enforcement ever become necessary, costs of enforcement are subject to recovery from the tenants.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

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* and is being mailed to both the applicants and the respondents.

Dated: October 11, 2013

Residential Tenancy Branch

