



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes For the landlord: OPC, MNR, MNDC, FF
For the tenant: CNR, CNC, FF

Introduction

This hearing was convened as the result of the applications for dispute resolution under the Residential Tenancy Act (the "Act") by each party.

The landlord applied for an order of possession for the rental unit due to alleged cause, a monetary order for unpaid rent, a monetary order for money owed or compensation for damage or loss, and for recovery of the filing fee paid for this application.

The tenant applied for an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, an order cancelling the landlord's 1 Month Notice to End Tenancy for Cause and for recovery of the filing fee paid for this application.

The parties appeared and the hearing was conducted. Near the conclusion of the hearing, the parties agreed to a mediated discussion, at which point they agreed to resolve their differences and to record their settlement.

Settled Agreement

1. The landlord agrees that the tenancy may continue until 1:00 September 30, 2014, pending the timely monthly rent payments by the tenant for August and September 2014, as hereafter mentioned;
2. The tenant agrees to vacate the rental unit by 1:00 p.m. on September 30, 2014;
3. The tenant agrees to pay the monthly rent for August 2014, by August 5, 2014, and to pay the September 2014, rent payment by September 1, 2014;
4. The landlord acknowledges that the tenant has a credit of \$850 for unpaid rent, and that the tenant may deduct this amount from either the August or September 2014, rent payment to satisfy that credit;
5. The tenant understands the landlord will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenant fails to vacate the rental unit by 1:00 p.m., September 30, 2014, or pay the August rent by August 5, or pay the September rent by September 1, 2014, the

- landlord may serve the order of possession on the tenant and obtain a writ of possession;
6. The landlord agrees to not serve the order of possession on the tenant unless the tenant fails to vacate the rental unit by 1:00 p.m. on September 30, 2014, or make the timely rent payments as agreed and recorded directly above; and
 7. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the parties' respective applications and that no finding is made on the merits of either application for dispute resolution.

Conclusion

The landlord and the tenant have reached a settled agreement.

Based upon the settled agreement as outlined above, I provide the landlord with an order of possession for the rental unit in the event the tenant fails to vacate the rental unit by September 30, 2014, at 1:00 p.m. or pay the next two monthly rent payments as agreed.

The order of possession is enclosed with the landlord's Decision. This order is a legally binding, final order, and may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court should it become necessary.

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 applicant/tenant and the applicant/landlord.

Dated: July 31, 2014

Residential Tenancy Branch

