



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with the landlord's application pursuant to the Residential Tenancy Act (the Act) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to call witnesses.

The landlord gave sworn testimony that a 10 Day Notice to End Tenancy for Unpaid Rent, dated August 27, 2014 ("10 Day Notice"), was personally delivered to the tenant on August 27, 2014. The tenant testified that she received the 10 Day Notice on this date. In accordance with sections 88 and 90 of the *Act*, I find that the tenant was served with the 10 Day Notice on August 27, 2014.

The landlord testified that she personally served the tenant with the Application for Dispute Resolution hearing package ("Application") on September 23, 2014. The tenant testified that she received the Application on this date. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was served with the Application on September 23, 2014.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

Is the landlord entitled to a monetary award for unpaid rent and losses arising out of this tenancy?

Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord testified that she issued the 10 Day Notice to the tenant for unpaid rent. The tenant testified that she was trying to determine which rent amounts had been paid by social assistance, to the landlord.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

During this hearing, the parties reached an agreement to settle their dispute under the following terms. The parties agreed that:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on November 30, 2014, by which time the tenant will have vacated the rental unit.
2. Both parties agreed to meet at 3:00 p.m. on Sunday, October 26, 2014 at the tenant's rental premises, in order to determine any unpaid rent owed by the tenant to the landlord, and to discuss the filing fee for this application; and
3. The tenant agreed to pay the landlord any outstanding amounts for rent and the filing fee established during their meeting of October 26, 2014, by November 30, 2014.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

To give effect to the settlement reached between the parties, I issue the attached Order of Possession to be used by the landlord **only** if the tenant fails to vacate the rental premises in accordance with their agreement. The landlord is provided with these Orders in the above terms and the tenant must be served with this Order in the event that the tenant does not vacate the premises by the date set out in their agreement. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 29, 2014

Residential Tenancy Branch

