



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RSL HOLDINGS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNR, OPR, MNR, FF

Introduction

This hearing was convened in relation to the tenants' application for more time to apply to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice), to cancel the 10 Day Notice, and the landlord's cross application for an order of possession for unpaid rent, monetary order for unpaid rent, and recovery of the landlord's filing fee.

The tenant DC testified that the tenants served the landlord with the dispute resolution package the day after they received it from the Service BC Office by delivering to the landlord's wife. The landlord confirmed that he received the dispute resolution package. On the basis of this evidence, I am satisfied that the landlord was served with notice of this application pursuant to section 89 of the *Residential Tenancy Act* (the Act).

The landlord's agent testified that he served the tenants personally with the dispute resolution package in mid-October. The tenants confirmed that they had received the landlord's dispute resolution package. On the basis of this evidence, I am satisfied that the tenants were served with notice of this application pursuant to section 89 of the Act.

The landlord confirmed that he was in possession of the tenants' evidence. I am satisfied that the landlord was served with the tenant's evidence pursuant to section 88 of the Act.

At the beginning of the hearing the tenants and landlord expressed an interest in entering settlement discussions. I provided the parties with time to discuss the terms of the settlement. When I returned to the conference call, the parties informed me of the terms of their mutual agreement.

The tenants have vacated the rental unit. The tenants agree to pay the landlord \$2,100.00 in accordance with the periodic payment plan, to which they have all agreed.

Analysis

Pursuant to section 63 of the *Residential Tenancy Act* (the Act), an 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 final and binding terms:

1. The landlord and tenants agree to withdraw their applications.
2. The tenants agreed to pay the landlord a total of \$2,100.00 in accordance with the agreed upon payment schedule.

These particulars comprise the full and final settlement of all aspects of their disputes for both parties.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached monetary order for the sum of \$2,100.00 to be used by the landlord only if the tenant does not comply with their agreement. The landlord is provided with these orders in the above terms and the tenant(s) must be served with this order in the event that the tenant(s) do(es) not comply with the terms of their agreement. Should the tenant(s) fail to comply with these orders, these orders may be filed in the Small Claims Division of the Provincial Court and enforced as orders of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: November 17, 2014

Residential Tenancy Branch