



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the tenant: CNR

For the landlord: OPR, MNR, MND, 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, with the tenant applying for an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities and the landlord applying for an order of possession for the rental unit due to unpaid rent, a monetary order for unpaid rent and alleged damage to the rental unit, and for recovery of the filing fee paid for this application.

The tenant and landlord attended the hearing and each submitted some of their respective positions.

Thereafter a mediated discussion ensued, the parties agreed to resolve their differences, and that I should record the settled decision, as follows:

Settled Agreement

1. The tenant agrees to vacate the rental unit by 1:00 p.m. on January 31, 2015;
2. The tenant agrees to pay the landlord the amount of \$362.50 by the end of the day of the hearing, or December 18, 2014;
3. The tenant agrees to pay the landlord the amount of \$725 by January 1, 2015;
4. The landlord agrees that the tenancy will continue until January 31, 2015, at 1:00 p.m., unless the tenant fails to make the payments as agreed above in sections 2 and 3;
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., January 31, 2015, or make the required rental payments as agreed above in sections 2 and 3, 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 January 31, 2015 or if the tenant fails to make the required rental payments as agreed above agreed above in sections 2 and 3; 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 tenant and the landlord 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 January 31, 2015, at 1:00 p.m. or make the rent payments as agreed above agreed in sections 2 and 3.

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*.

Dated: December 18, 2014

Residential Tenancy Branch

