



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing was convened in relation to 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;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

After hearing from both parties we were able to discuss the possibility of settlement. Both parties articulated offers and engaged in fruitful settlement discussions resulting in this record of settlement.

Analysis

Pursuant to section 63 of 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 agrees to withdraw his application.
2. By 2359 on 3 December 2014, the tenant agrees to pay to the landlord \$2,028.84 calculated as follows:

Item	Amount
Unpaid October Rent	\$750.00
Unpaid November Rent	750.00

Unpaid December Rent	750.00
Cost of Repairing Refrigerator	-157.08
Cost of Repairing Toilet	-64.08
Total Monetary Order	\$2,028.84

3. The tenant agrees to return possession of the rental unit to the landlord by 1300 on 31 December 2014.

I confirmed with the parties at the hearing that they understood that these particulars comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

The landlord's application is withdrawn.

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached orders.

The monetary order is to be used if the tenant does not pay \$2,028.84 to the landlord by 1159 on 3 December 2014. The landlord is provided with this order in the above terms and the tenant must be served with this order in the event that the tenant does not pay the outstanding rent as set out in 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.

The attached order of possession is to be used by the landlord if the tenant does not vacate the rental premises in accordance with their agreement. The landlord is provided with this order 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 time and 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 subsection 9.1(1) of the Act.

Dated: December 02, 2014

Residential Tenancy Branch