



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT COMMISSION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPQ, MNR, FF

This hearing was convened in relation to the landlord's application for an order of possession on the basis that the tenant no longer qualifies for the rental unit, and to recover the filing fee from the tenant.

Both the tenant and the landlord's agent appeared. The landlord's agent is the property manager for the rental unit.

The landlord provided evidence that it served the tenant with the notice to end tenancy in accordance with section 49.1 of the *Residential Tenancy Act* (the Act) on 26 August 2014. The effective date of the notice was 31 October 2014. The landlord had requested that its application for a monetary order for unpaid of rent be heard at this hearing. The tenant consented to joining the two hearings.

At the very beginning of the hearing the tenant proposed a settlement. The landlord and tenant discussed this settlement and both testified that they understood that this settlement would be a final and binding conclusion to the two applications before me.

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 agreed to withdraw its applications.
2. The landlord agreed to withdraw the 2 Month Notice.
3. The tenant agreed to return possession of the rental unit to the landlord by one o'clock on 17 December 2014.
4. The tenant agreed to repair damage to the rental unit, including two holes in the wall, and to steam clean the carpet in advance of 17 December 2014.
5. The tenant agreed to pay the landlord \$1,150.00 in installment payments of at least \$50.00. The first installment is due 1 January 2015 and each installment shall be made on the 1st of each month until there is no balance remaining.
6. The tenant agreed to provide her forwarding address to the landlord.

The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

Conclusion

The landlord's applications are withdrawn. The landlord's 2 Month Notice is cancelled

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 \$1,150.00 to the landlord in accordance with their agreement. The landlord is provided with this order in the above terms and the landlord should serve the tenant with this order so that it may enforce it 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 landlord should serve the tenant with this order so that it may enforce it 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

