



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNSD, MNR, MNDC, CNR, FF, O

This hearing was set to deal with two related applications. One was the landlord's application for an order of possession based upon a 10 Day Notice to End Tenancy for Non-Payment of Rent, a monetary order and an order permitting retention of the security deposit in partial satisfaction of the claim. The other was the tenant's application to set aside the notice to end tenancy.

The hearing was originally scheduled for March 3, 2015 at 10:30 am. The landlord, the landlord's agent, the tenant, and I all called into the conference call at that time but for some unknown reason I was not connected with the parties. When the problem was subsequently discovered a new hearing was arranged for March 12, 2015 at 1:00 pm. Everyone appeared on that date and had an opportunity to be heard.

The parties had negotiated a settlement agreement which was incorporated into a previous Residential Tenancy Branch decision. The tenant was not able to meet the terms of that agreement so the landlord and tenant have renegotiated the terms of their agreement.

The tenant acknowledged that the total amount owing to the landlord as of the date of hearing is \$50,300.00 for arrears of rent up to and including the March 2015 rent.

The parties agreed at the hearing that if the tenant complies with the following agreement, the landlord will permit the tenant to remain in the rental unit:

- \$10,000.00 on or before 5:00 pm, Friday, March 20, 2015;
- \$30,000.00 on or before 5:00 pm, Friday, April 10, 2015; and,
- the balance of \$12, 430.00 on or before 5:00 pm, Thursday, April 30, 2015. The balance includes the \$2400.00 rent due on April 1, 2015.

The tenant will make the payments referred to above by way of bank draft payable to the landlord.

If any payment is not made as required by this decision, the landlord may exercise its rights under the Order of Possession that is provided with this decision. The landlord is not reinstating the tenancy by accepting any payment from the tenants. It is only if the tenant makes all the payments on the same terms as set out in this decision and pays the arrears in full, that the tenancy will continue. Should the tenant fail to comply with this decision, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The parties also agreed that the landlord's application for a monetary order will be dismissed with leave to re-apply.

There shall be no order with respect to reimbursement of the cost of the filing fee to either party.

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: March 12, 2015

Residential Tenancy Branch

