



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

For the tenant: CNR PSF FF O

For the landlords: OPR MNR MNDS MNDC FF O

### Introduction

This hearing was convened as a result of the cross-applications of the parties for dispute resolution under the *Residential Tenancy Act* (the “Act”).

The tenant applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”), for an order directing the landlord to provide services or facilities required by the tenancy agreement or law, to recover the cost of the filing fee, and “other”, however, the tenant did not provide sufficient details of “other” in her application.

The landlords applied for an order of possession based on a 10 Day Notice, for a monetary order for unpaid rent or utilities, to retain the tenant’s security deposit, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and “other”, however, the landlords did not provide sufficient details of “other” in their application.

Landlord H.W.L, the tenant's sister who indicated she was representing the tenant, and a friend of the landlord attended the teleconference hearing. The parties were affirmed, had the hearing process explained to them, and were given an opportunity to ask questions about the hearing process.

### Settlement Agreement

During the hearing, the parties agreed to settle these matters, on the following conditions:

1. The parties mutually agree to end the tenancy effective **August 5, 2015 at 1:00 p.m.**
2. The landlord is granted an order of possession effective August 5, 2015 at 1:00 p.m., which must be served on the tenant.
3. The parties agree that the tenant owes \$4,200 in unpaid rent for the months of February, May, June and July of 2015, which is \$1,050 for each of those months.
4. The tenant agrees to surrender her full security deposit of \$525, which includes \$0.00 in interest, in partial satisfaction of the \$4,200 amount owing described in #3 above, resulting in a balance owing by the tenant to the landlord in the amount of **\$3,675.**
5. The landlord is granted a monetary order pursuant to section 67 of the *Act* in the amount of \$3,675.
6. The parties mutually agree to withdraw their respective applications and to waive their respective filing fees as part of this mutually settled agreement.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

### Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above.

The landlord is granted an order of possession effective August 5, 2015 at 1:00 p.m., which must be served on the tenant and may be filed with the Supreme Court of British Columbia and enforced as an order of that court.

The tenant has surrendered her full security deposit of \$525 to offset the amount owing of \$4,200 in unpaid rent as described in #3 and #4 above, resulting in a balance owing by the tenant to the landlord in the amount of \$3,675. The landlord is granted a monetary order pursuant to section 67 of the *Act* in the amount of \$3,675, which must be served on the tenant. Should the landlord require enforcement of the monetary order, the landlord must first serve the tenant with the monetary order, and the monetary order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: July 31, 2015

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Residential Tenancy Branch

