



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 849542BC LTD,

DECISION

Dispute Codes CNR; OPR, MNR

Introduction

This hearing was convened in relation to the landlords' application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for unpaid rent pursuant to section 55; and
- a monetary order for unpaid rent pursuant to section 67.

This hearing was also convened in relation to the tenant's application pursuant to the Act) for cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46.

The tenant appeared. The landlords' agents appeared.

In the course of the hearing the parties were able to agree to a conditional continuation of the tenancy.

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 tenant agreed to withdraw her application.
2. The landlords agreed to withdraw their application.
3. The landlords agreed to withdraw the 10 Day Notice.

4. The tenant agreed that she would pay rent:
 - a. for December 2015 on or before Tuesday, 1 December 2015;
 - b. for January 2016 on or before Monday, 4 January 2016; and
 - c. for February 2016 on or before Monday, 1 February 2016.
5. The tenant agreed that if she failed to pay rent:
 - a. on or before Tuesday, 1 December 2015, the landlords may serve the order of possession effective 31 December 2015 on or after 2 December 2015;
 - b. on or before Monday, 4 January 2016, the landlords may serve the order of possession effective 31 January 2016 on or after 5 January 2016; and
 - c. on or before Monday, 1 February 2016, the landlords may serve the order of possession effective 29 February 2016 on or after 2 February 2016.
6. The tenant agreed to vacate the rental unit:
 - a. if she paid rent late for December 2015, on or before one o'clock in the afternoon on 31 December 2015;
 - b. if she paid rent late for January 2016, on or before one o'clock in the afternoon on 31 January 2016; or
 - c. if she paid rent late for February 2016, on or before one o'clock in the afternoon on 29 February 2016.
7. The parties agreed that if the tenant paid her rent on time for December 2015, January 2016, and February 2016 the tenancy would continue on a month-to-month basis.
8. The parties agreed that acceptance of this agreement does not constitute waiver of the landlords' right to issue, at any time, a 2 Month Notice to End Tenancy for Landlord's Use or a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.
9. The parties agreed that acceptance of this agreement does not constitute a waiver of the landlords' right to issue a 1 Month Notice to End Tenancy for Cause on the basis of repeated late rent payments received prior to this agreement should the tenant pay rent late on or after 1 March 2016.

Each party stated that they understood the terms of this agreement and agreed to it. The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

The landlords were cautioned at the hearing that failure to use the conditional orders of possession in accordance with the above agreement could expose the landlords to liability under the Act. The agent TM stated that she understood this.

Conclusion

The tenant's application is withdrawn. The landlords' application is withdrawn. The 10 Day Notice is withdrawn.

The attached orders of possession are to be used by the landlords if the tenant does not abide by the terms of this agreement. The landlords are provided with these orders in the above terms. Should the tenant fail to comply with these orders, these orders 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: November 16, 2015

Residential Tenancy Branch

