



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FF

Introduction

This hearing convened as a result of a Landlord's Application for an Order of Possession based on a Notice to End Tenancy for Landlord's Use of Property issued on October 2, 2015 as well as to recover the filing fee.

Both parties appeared at the hearing. The Tenants were represented by the Tenant, C.B.'s girlfriend, C.P., who advised that she was authorized to act on behalf of both Tenants. She confirmed the Tenant, S.B., was also present in the room during the hearing.

The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

At the outset of the hearing C.P. confirmed the Tenants had not applied to set aside the Notice.

Settlement

The parties reached a comprehensive settlement agreement. Pursuant to section 33 of the *Residential Tenancy Act* I record their settlement in this my Decision and resulting Order. The terms of the parties' settlement is as follows:

1. By no later than 8:00 p.m. on January 15, 2016 the Tenants will pay to the Landlord the sum of \$1,237.50, representing the outstanding December rent in the amount of \$825.00 as well as half of the January 2016 rent in the amount \$412.50;

2. On or before noon on January 31, 2016 the Tenants will pay to the Landlord the sum of \$437.50, representing the balance of the January rent in the amount of \$412.50 in addition to one half of the Landlord's \$25.00 filing fee for the Application filed November 20, 2015.
3. Should the Tenants not make the payments as required in paragraph 1 and 2, the Landlord shall be entitled to a Monetary Order in the amount of **\$1,675.00** representing the outstanding rent for December 2015 and January 2016 as well as \$25.00 for one half of the Landlord's filing fee. This Order must be served on the Tenants and may be filed and enforced in the B.C. Provincial Court (Small Claims Division)
4. The Landlord is entitled to an Order of Possession which shall be effective two (2) days after service on the Tenants. This Order may be filed and enforced in the B.C. Supreme Court.
5. Should the Tenants make the payment as required in paragraph 1, the Landlord shall not serve the Order of Possession on the Tenants before January 28, 2016.

Conclusion

The parties resolved all matters by mutual agreement.

The Tenants shall be entitled to remain the rental unit until January 31, 2016 provided that they pay the Landlord, by no later than 8:00 p.m. on January 15, 2016, the outstanding rent for December 2015 and one half of the rent for January 2016. The balance of the January rent, in addition to \$25.00 for the filing fee is to be paid by the Tenants to the Landlord by no later than noon on January 31, 2016.

The Landlord is granted both an Order of Possession and a Monetary Order in accordance with their agreement.

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: January 15, 2016

Residential Tenancy Branch

