



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, FF

Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenant has applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and return of the filing fee costs.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

Preliminary Matters

The application was amended to include the legal name of the landlord and remove the agent as a respondent.

Issue(s) to be Decided

Should the 10 Day Notice to End Tenancy for Unpaid Rent issued on December 21, 2015 be cancelled?

Mutually Settled Agreement

During the hearing the parties reached the following mutually settled agreement:

- Rent is due on the first day of each month in the sum of \$850.00;
- The tenant owes the landlord \$850.00 in unpaid October 2015;
- No other rent is outstanding;
- The tenant will pay the landlord \$850.00 no later than midnight on February 23, 2016; and
- If the tenant fails to pay \$850.00 by midnight on February 23, 2016 the landlord will end the tenancy by serving the tenant with an Order of possession which will be issued as part of the mutually settled agreement.

Section 63 of the Act provides:

Opportunity to settle dispute

63 (1) *The director may assist the parties, or offer the parties an opportunity, to settle their dispute.*

(2) *If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.*

Therefore; based on the mutually settled agreement of the parties I find and Order that:

- No later than February 23, 2016 at midnight, the tenant will pay the landlord \$850.00 owed for October 2015 rent;
- That if \$850.00 is not paid by midnight on February 23, 2016 the next day the landlord may serve the tenant with an Order of possession and the tenant must vacate the rental unit;
- That no rent arrears are outstanding, other than October 2015 rent in the sum of \$850.00;
- That the landlord will issue receipts for any cash payment made by the tenant; and
- That all future rent payments must be made in full, on the first day of each month.

The landlord has been granted an Order of possession that it effective two days after service to the tenant. This Order may not be served prior to February 24, 2016 and may only be served if the tenant has failed to pay \$850.00 rent agreed owed for October 2015. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

This decision and mutually settled agreement is final and binding on the parties 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: February 09, 2016

Residential Tenancy Branch

