



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOMELIFE GLENAYRE REALTY CHILLIWACK LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, MT, OPR, MNR, MNSD, FF

Introduction

This hearing was originally scheduled to hear the tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary and Procedural Matters

The landlord stated that a landlord's Application for Dispute Resolution for an Order of Possession and Monetary Order for unpaid rent for months up to and including the month of March 2016 had also been filed and served upon the tenants but that there had been insufficient time before the hearing to join the applications together. The landlord requested that the two applications be joined together and heard during this hearing. The tenants indicated they were not sufficiently prepared to respond to the landlord's monetary claims and indicated that although they have a good relationship with the owner of the property there are issues with respect to improper rent increases and cash payments to the owner for which receipts were not issued. I decided that I would not join the applications together so that the tenants would have the opportunity to gather and serve evidence in response to the landlord's monetary claims. However, I informed the parties that it remained before me to determine whether the 10 Day Notice should be upheld or cancelled. As the hearing progressed the parties reached a mutual agreement with respect to ending the tenancy and the amount of rent payable to the landlord. I have recorded the mutual agreement by way of this decision and the Orders that accompany it.

Since the mutual agreement also resolves the issues identified in the landlord's application I have joined the Applications together. Accordingly, this decision reflects the file numbers associated to each application and the hearing scheduled to hear the landlord's application on April 13, 2016 has been cancelled.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

The parties mutually agreed upon the following terms during the hearing:

1. The tenancy shall end on April 30, 2016 provided the tenants pay rent for the month of April 2016 in the amount of \$1,350.00 on or before March 31, 2016. The landlord shall be provided an Order of Possession with an effective date of April 30, 2016.
2. If the tenants fail to pay \$1,350.00 on or before March 31, 2016 pursuant to term number 1 above the tenants shall vacate the rental unit on or before March 31, 2016. The landlord shall be provided a conditional Order of Possession with an effective date of March 31, 2016 to serve and enforce if the tenants fail to pay \$1,350.00 on or before March 31, 2016.
3. The tenants owe the landlord rent and the landlord shall be provided a Monetary Order for the sum of \$5,900.00 calculated as follows: :
 - \$700.00 in rent as of October 2015
 - + \$1,350.00 for November 2015 rent
 - + \$1,350.00 for December 2015 rent
 - + \$1,350.00 for January 2016 rent
 - + \$1,350.00 for February 2016 rent
 - + \$1,350.00 for March 2016 rent
 - \$1,550.00 payment received in December 2015
 - = \$5,900.00
4. The security deposit remains in trust to be administered in accordance with the Act.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record a settlement agreement in the form of a decision or order.

I have accepted and recorded the settlement agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

In recognition of the agreement reached by the parties I provide the landlord with three orders, as follows:

1. An Order of Possession effective April 30, 2016 that may be served at any time.
2. An Order of Possession effective March 31, 2016 that may be served and enforced only in the event the tenants fail to pay rent for April 2016 in the sum of \$1,350.00 on or before March 31, 2016.
3. A Monetary Order in the sum of \$5,900.00 for unpaid rent up to and including the month of March 2016.

The security deposit remains in trust, to be administered in accordance with the Act.

Conclusion

The parties reached a settlement agreement that I have recorded by way of this decision and the Orders that accompany it.

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 09, 2016

Residential Tenancy Branch