



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TOP NOTCH DEVELOPMENTS LTD
VANCOUVER EVICTION SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR MNDC MNSD FF

Introduction

This hearing dealt with the landlord's application pursuant to the Residential Tenancy Act ("the Act") for an Order of Possession for Unpaid Rent pursuant to section 55; a monetary order for unpaid rent pursuant to section 67; authorization to retain the tenants' security deposit towards the monetary order requested pursuant to section 38; and to recover the filing fee for this application from the tenants pursuant to section 72.

Both parties attended the hearing (one tenant and agent for the landlord) and both parties were given an opportunity to be heard, present sworn testimony and make submissions. Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Background and Evidence

This tenancy began on August 1, 2011 as a one year fixed term tenancy. The tenancy continued as a month to month tenancy at the end of the fixed term. The rental amount of \$1200.00 is payable on the first of each month. The landlord's agent testified that the landlord continues to hold a \$600.00 security deposit paid at the outset of the tenancy. The landlord initially applied to retain the tenants' security deposit towards a current amount of \$3600.00 in outstanding rent as well as to obtain an order of possession of the rental unit.

Both parties agreed that the tenants owe \$3600.00 in outstanding rent but that the tenants have made payments towards outstanding amounts. The landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent on May 17, 2016 and, after that date, had limited contact with the tenant. At this hearing, the tenant committed to a payment plan to address the outstanding rent.

Analysis

Pursuant to section 63 of the *Act*, the 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. Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

The Parties mutually agreed as follows:

1. The tenants agreed to pay the outstanding balance of rent to the landlord as follows;
 - The tenants will pay \$1500.00 to the landlord on July 27, 2016;
 - The tenants will pay \$1500.00 to the landlord on August 11, 2016;
 - The tenants will pay \$1500.00 to the landlord on August 25, 2016;
 - The tenants will pay \$1500.00 to the landlord on September 8, 2016.
2. The tenants will continue to pay rent in accordance with the Residential Tenancy Act and residential tenancy agreement after September 8, 2016.
3. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

To give effect to the settlement reached between the parties, I grant the landlord an Order of Possession to be effective two days after notice is served to the tenant and to be issued by the landlord ONLY IF the tenant fails to comply with the terms of the payment arrangement above. If the tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

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: July 27, 2016

Residential Tenancy Branch

