



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR CNR MNDC FF

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

Landlord:

- an order of possession for failure to pay rent and utilities pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Tenant:

- cancellation of the landlord's 10 Day Notice to End Tenancy for unpaid rent pursuant to section 46;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement.

Terms of Settlement

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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The landlord agrees to withdraw the 10 day Notice to End Tenancy dated October 4, 2016.
2. The parties agree that the tenant is in rent arrears for a total of \$975.00.
3. The tenant agrees to pay to the landlord the arrears balance of \$975.00 in installments in accordance with the following payment plan terms and conditions:
 - i. Payment of \$250.00 plus the \$650.00 monthly rent payable to the landlord on December 15, 2016.
 - ii. Payment of \$250.00 plus the \$650.00 monthly rent payable to the landlord on January 15, 2017.
 - iii. Payment of \$250.00 plus the \$650.00 monthly rent payable to the landlord on February 15, 2017.
 - iv. Payment of \$225.00 plus ½ of the \$650.00 monthly rent payable to the landlord on March 15, 2017.
4. The landlord is granted a Monetary Order for the full rent arrears amount of \$975.00 and the enforceable portion of this order will be reduced in accordance with any arrears payments made to the landlord as per the above payment plan.
5. The tenant and landlord agree this tenancy will continue until March 31, 2017 **on condition** that the tenant adheres to the payment schedule as stipulated above. The landlord is granted an **Order of Possession** effective **two days after service of the Order** on the tenant which is to be enforced only if the tenant does not adhere to the payment schedule as stipulated above. This applies to the rent arrears and the future monthly rent payments.
6. The tenant and landlord agree **that this tenancy will end no later than 1:00 p.m. on March 31, 2017**, and, the landlord may enforce the **Order of Possession** effective this date.

Each party confirmed that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute.

This Decision and Settlement Agreement is final and binding on both parties.

Conclusion

Subject to the conditions described above, I grant an Order of Possession to the landlord effective **two days after service of the Order** on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

Pursuant to section 67 of the *Act* and subject to the conditions described above, I grant the landlord a Monetary Order in the amount of **\$975.00**. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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: November 24, 2016

Residential Tenancy Branch