



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT COMMISSION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Landlord on October 14, 2016. The Landlord filed seeking an Order of Possession for unpaid rent; a \$6,570.00 Monetary Order for unpaid rent and over holding; and to recover the cost of the \$100.00 filing fee.

The hearing was conducted via teleconference and was attended by the Landlord and the Tenant. Each person gave affirmed testimony. I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process; however, each declined and acknowledged that they understood how the conference would proceed.

Both parties were provided with the opportunity to present relevant oral evidence, to ask questions, and to make relevant submissions.

Issue(s) to be Decided

- 1) Have the parties agreed to settle these matters?
- 2) If so, what are the terms of that settlement?

Background and Evidence

The Tenant entered into a month to month tenancy agreement which began on November 28, 2011. The monthly rent is based on a subsidy and effective September 1, 2016 the rent was reduced from \$738.00 per month to \$585.00 per month. No deposits were required to be paid.

During the course of this proceeding the parties agreed to settle these matters.

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.

During the hearing, the parties discussed the issues between them and achieved a resolution of their dispute on the following terms:

- 1) The Landlord agreed to withdraw their application for Dispute Resolution in favor of this settlement;
- 2) The Tenant agreed that effective January 1, 2017 he would pay all future rent payments in full and on time on the first of each month;
- 3) The Tenant agreed that in addition to his monthly rent payments he would pay the \$75.00 repayment amount in full and on time on the first of each month until the arrears were paid in full, starting January 1, 2017;
- 4) The Landlord would be issued a Monetary Order in the amount of **\$6,085.00** (\$6570.00 - \$585.00 November 27, 2016 payment + \$100.00 filing fee);
- 5) The Landlord would be issued a conditional Order of Possession to be served upon the Tenant in the event the Tenant does not pay the rent and repayment amount in full and/or on the first of each month;
- 6) Each person acknowledged their understanding that this settled Decision resolves the matters contained in the Landlord's application and that no findings were made on the merits of the said application for dispute resolution; and
- 7) Each person agreed that the terms of this settlement agreement were reached by their own free will and without undue pressure or intimidation.

Conclusion

The parties agreed to settle these matters, pursuant to section 63 of the *Act*.

This decision is final, legally binding, 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: December 06, 2016

Residential Tenancy Branch