



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, OPR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession pursuant to section 55 of the *Act*;
- a Monetary Order for compensation for damage or loss under the *Act* pursuant to section 67; and
- an Order for the tenant to repay the cost of the filing fee pursuant to section 72 of the *Act*.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to call witnesses, and to make submissions.

The tenant confirmed receipt of the landlord's 10 Day Notice, the landlord's evidentiary package and the landlord's dispute resolution package. In accordance with sections 88 and 89 of the *Act*, I find that the tenant was duly served with the dispute resolution and evidentiary packages.

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, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

- 1) The landlord agreed to withdraw the 10 Day Notice issued to the tenant on December 8, 2016.

- 2) The landlord agreed to accept a one-time payment of \$700.00 made on January 20, 2017 to be put against the tenant's outstanding debt and to be applied to the rent for February 2017.
- 3) The landlord agreed to accept \$50.00 per month in additional rent from March 2017 until September 2017.
- 4) The landlord agreed to accept \$30.00 in additional rent for the month of October 2017 only.
- 5) The tenant agreed to repay the \$100.00 filing fee to the landlord.
- 6) Both parties agreed that this settlement agreement constituted a final and binding resolution of the landlord's application.
- 7) Both parties agreed that this tenancy will continue as per the Act.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion.

Conclusion

The landlord's 10 Day Notice for Unpaid Rent is cancelled. This tenancy continues until ended in accordance with the *Act*.

The landlord is granted a Monetary Order of \$100.00. 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: January 27, 2017

Residential Tenancy Branch