



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

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

- Cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46 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, and the landlord's evidentiary package. The landlord confirmed receipt of the tenant's application for dispute resolution package. In accordance with sections 88 and 89 of the *Act*, I find that both parties were duly served with these documents.

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 on January 4, 2017.
2. The tenant agreed to pay the landlord \$1,700.00 by 1:00 P.M. on February 17, 2017.

3. The landlord agreed to accept \$1,700.00 in satisfaction for all rent due for January and February 2017.
4. Both parties agreed that this rent was to be paid to the landlord's agent, JF.

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The landlord's 10 Day Notice is withdrawn and is of no continuing force or effect. This tenancy continues until ended in accordance with the *Act*.

In order to give legal effect to the settlement outlined above, the landlord is granted a Monetary Order of \$1,700.00, to be used only in the event that the tenant does not comply with the monetary terms of this settlement as outlined in Term 2 of the settlement agreement. 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: February 10, 2017

Residential Tenancy Branch