



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes

OPR MNR FF

### Introduction

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

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

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 tenants and landlord agree **that this tenancy will end** *no later* than **1:00 p.m. on April 30, 2017**, and, the landlord will be granted an **Order of Possession** effective this date. The tenants are not required to provide further written Notice to End Tenancy.
2. The tenants and landlord agree that as of the billing cycle end date of January 25, 2017, there is an outstanding utilities arrears balance of **\$1155.29**.
3. The tenants agree the landlord may retain the security deposit of \$650.00 in partial satisfaction of the above amount.
4. The tenants agree to pay to the landlord the balance of **\$505.29** by cash or direct deposit to the landlord's bank account on or before **1:00 p.m. on April 30, 2017**. The landlord is granted a Monetary Order for this amount and the enforceable portion of this

order will be reduced in accordance with any payments made to the landlord. Only the respondents T.E. and A.K. are named in the monetary order as the landlord was not able to provide sufficient evidence of service on the respondent M.Z.

5. The parties agree that any additional utilities bills after the January 25, 2017 billing cycle and up to the end of the tenancy will be provided by the landlord to the tenants immediately upon receipt provided the tenants provide a forwarding address to the landlord in the case of any bills received after the tenancy ends. The tenants agree to pay their portion of all additional utilities bills on or before 1:00 p.m. on May 31, 2017 provided copies of the bills are provided by the landlord.

Each party confirmed that this agreement was reached voluntarily and 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

I grant an Order of Possession to the landlord effective **1:00 p.m. on April 30, 2017**. Should the tenant(s) 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*, I grant the landlord a Monetary Order in the amount of **\$505.29**. Should the tenants 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: March 31, 2017

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Residential Tenancy Branch