



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD 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 utilities pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- 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.
2. The tenants agrees there is an outstanding rent arrears of \$2550.00 comprised of the monthly rent in the amount of \$850.00 for the months of February 2017, March 2017 and April 2017.
3. The tenants and landlord agree there is an outstanding utilities amount of \$200.00 which is in approximation including any amount that becomes payable up until the end of the tenancy.

4. The tenants and landlord further agree that the landlord may retain the \$425.00 security deposit in partial satisfaction of the outstanding rent and utilities amount.
5. The tenants and landlord further agree that the landlord is to be granted a Monetary Order in the amount of \$2325.00 (\$2550.00 rent + \$200.00 utilities - \$425.00 security deposit) and the enforceable portion of this order will be reduced in accordance with any payments made to the landlord. The parties agreed to this amount irrespective of the approximation of the outstanding utilities in clause 3.

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 **\$2325.00**. 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: April 26, 2017

Residential Tenancy Branch