



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

A hearing was convened based on the landlord's application pursuant to s. 46 of the *Residential Tenancy Act* (the "Act") for an order of possession for unpaid rent, a monetary order for unpaid rent, authorization to retain the security deposit, and recovery of the application filing fee. The landlord's application was based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 8, 2017 (the "10 Day Notice").

The landlord attended the hearing with an agent. One of the tenants also attended. Both parties provided affirmed testimony and had the opportunity to present oral and documentary evidence, to make submissions, and to respond to the other party.

At the outset of the hearing I advised the parties of their option to have me assist in mediating an agreement with respect to this tenancy. I further advised that any agreement would be documented in my decision pursuant to section 63 of the Act. It was made clear to the parties that there was no obligation to resolve the dispute through settlement.

### Settlement

Over the course of the hearing, the parties reached an agreement to settle this matter on the terms set out below.

1. The landlord withdraws the 10 Day Notice.
2. The tenancy will continue on the condition that the tenants pay a total of **\$5,100.00** to the landlord no later than May 1, 2017, comprised of the following:
  - a. \$2,000.00 in rental arrears for April, 2017;

- b. \$3,000.00 for rent due May 1, 2017; and
- c. \$100.00 for the cost to the landlord of the application filing fee.

At the landlord's request and with the consent of the tenants I grant the landlord a conditional order of possession, **effective 1:00 pm on May 2, 2017**. If the tenants comply with the terms of this settlement agreement, the tenancy will continue and the order of possession will be void and of no force or effect.

If the tenants fail to comply with the terms of this settlement agreement, the landlord may serve the order of possession on the tenants. If the landlord serves the order of possession on the tenants and the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

### Conclusion

This matter has been settled.

The parties are bound by the terms of the agreement set out above, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to end the tenancy or apply for monetary compensation or other orders under the Act.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the Act.

Dated: April 21, 2017

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Residential Tenancy Branch