



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MND, 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 unpaid rent pursuant to section 55 of the *Act*;
- a Monetary award for unpaid rent pursuant to section 67 of the *Act*; and
- recovery of the filing fee of the application from the tenant pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlord was represented by his agent and interpreter JG (the "landlord"). The tenant represented himself with the assistance of his advocate.

As the parties were both in attendance I confirmed that there were no issues with service of the landlord's application for dispute resolution. Based on the testimonies of the parties I find that the landlord served the tenant with the materials in accordance with sections 88 and 89 of the *Act*.

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. This tenancy will end on 1:00 pm June 1, 2017, by which time the tenant and any other occupants will have vacated the rental unit.

2. The tenant will pay the landlord \$900.00 on or before 6:00pm May 1, 2017 as required under the tenancy agreement and the Act.
3. The tenant will direct the Ministry of Social Development to release the shelter subsidy of \$450.00, currently being held, directly to the landlord.
4. This settlement agreement constitutes a final and binding resolution of the landlord's application at this hearing.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be served on the tenant by the landlord **only** if the tenant fails to pay the full amount of rent of \$900.00 by 6:00pm May 1, 2017 or abide by the condition to vacate the rental unit by June 1, 2017. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 24, 2017

Residential Tenancy Branch