



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FAMILY DYNAMIX ASSOCIATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing was scheduled to consider the landlord's application for Dispute Resolution (the "Application") under the Residential Tenancy Act (the "Act") for an order of possession for cause.

The landlord's agent (the "Landlord") and the tenant appeared at the teleconference hearing and gave affirmed testimony. The tenant appeared with an advocate. During the hearing the landlord and tenant were given a full opportunity to be heard, to present sworn testimony and make submissions.

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, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

The landlord entered into the settlement agreement set out below on the basis of the tenant's assurances that he would be vigilant in keeping the number of guests down.

During the course of the hearing, the parties reached an agreement to settle the matter on the following conditions:

1. The landlord agrees to withdraw the One Month Notice to End Tenancy with an effective date of April 14, 2017, and the tenancy will continue until such time as it ends in accordance with the *Act*.
2. The parties agree that the tenant's two sons will vacate the rental unit by June 30, 2017.
3. The tenant agrees to pay the landlord the sum of \$2,600.00 by June 1, 2017 for rent due for each of the months of March, April, May and June 2017.

4. The parties agree that this settlement agreement constitutes a final and binding resolution of the tenant's application at this hearing.

These particulars comprise the full and final settlement of all aspects of this dispute for all the parties. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and the parties understood the nature of this full and final settlement of all matters.

To give effect to this settlement agreement, I grant the landlord a monetary order in the amount of \$2,600.00 which will be of no force or effect if the tenant successfully complies with the terms of this settlement. If the tenant fails to comply with the terms of this settlement agreement, the landlord may serve the monetary order on the tenant. If the landlord serves the monetary order on the tenant and the tenant fails to comply with the order, the order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

To give effect to this settlement agreement, I grant the landlord a conditional order of possession effective two (2) days after service on the tenant which will be of no force or effect if the tenant successfully complies with the above terms. If the tenant fails to comply with the above terms, the order of possession will be of full force and effect and may be served upon the tenant.

The parties are bound by the terms of this agreement, 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 earlier or apply for monetary compensation or other orders under the *Act*.

Conclusion

I order the parties to comply with the terms of their settlement agreement described above.

The landlord has been granted a monetary Order in the amount of \$2,600.00 which will be of no force or effect if the tenant successfully complies with the terms of this settlement agreement. If the tenant fails to comply with the terms of this settlement agreement, the monetary order will be of full force and effect and may be served upon the tenant.

Should the tenant fail to comply with this monetary Order, it may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

The landlord has been granted a conditional order of possession effective two (2) days after service on the tenant, which will be of no force or effect if the tenant successfully complies with the terms of this settlement agreement. If the tenant fails to comply with the terms of this settlement agreement, the order of possession will be of full force and effect and may be served upon the tenant.

Should the landlord need to enforce the order of possession, the landlord must serve the order of possession on the tenant and the order of possession may be filed in the Supreme Court of British Columbia and enforced as an order of that Court. If the tenant successfully complies with the terms of this settlement, the tenancy will continue until such time as it ends in accordance with the *Act*.

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: May 12, 2017

Residential Tenancy Branch