



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION AND RECORD OF SETTLEMENT

Dispute Codes

CNR, MNR, OPR, MNSD, FF

Introduction

This hearing was convened in response to cross applications by the tenant and the landlord seeking Orders under the *Residential Tenancy Act* (the Act). The tenant and the landlord attended the conference call hearing and provided testimony. The tenant sought to cancel the landlord's 10 Day Notice to End for Unpaid Rent. The landlord sought a Monetary Order and an Order of Possession respecting unpaid rent and to retain the security deposit for damages to the unit. Both parties sought their respective filing fee.

Background and Evidence

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute(s) during a hearing which may then be recorded in the form of a Decision or an Order. Pursuant to this provision, discussion between the parties during the hearing led to a settlement agreement as follows. Specifically:

1. The parties agree the tenancy will end **AUGUST 31, 2017**, and the landlord will receive an Order of Possession effective on the agreed date.
2. The parties agree that on August 01, 2017 the tenant will pay the landlord the amount of \$1800.00 and the balance of any rent or arrears of the tenancy will be paid to the landlord at the end of the tenancy or immediately thereafter.
3. The parties agree that to the date of this hearing, July 24, 2017, all payable rent owed to the landlord is in the amount of **\$1700.00**, and that the landlord will receive a Monetary Order in this amount.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the parties' requests to recover their respective filing fee.

The parties were informed as to the administration of the security deposit at the end of the tenancy in accordance with the Act.

So as to perfect this agreement the landlord is given a Monetary Order and an Order of Possession.

These particulars comprise the **full and final settlement** of all aspects of the parties' applications. Both parties testified they understood and agreed to the above terms. The parties confirmed this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of the matters in dispute.

Conclusion

The full text of the Act, and other resources, can be accessed via the Residential Tenancy Branch website: www.gov.bc.ca/landlordtenant.

I grant the landlord an **Order of Possession** to reflect condition #1 of this agreement, effective August 31, 2017. The tenant must be served the Order. If necessary, this Order may be filed in the Supreme Court and enforced as an Order of that Court.

I grant the landlord a **Monetary Order** under Section 67 of the Act to reflect condition #3 of this agreement. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court. If the tenant satisfies the amount of the Order, the Order becomes null and of no effect.

This Decision and Settlement are final and binding.

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: July 24, 2017

Residential Tenancy Branch