



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, MNDC, OLC, 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 and return of the security deposit. The landlord sought a Monetary Order and an Order of Possession respecting unpaid rent. 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 **October 15, 2017**, and the landlord will receive an Order of Possession effective on the agreed date.
2. The parties agree that from this date the tenant will pay the landlord the equivalent of amount of one half month's rent under the tenancy agreement of \$320.00 **and** that the landlord will retain the security deposit of the tenancy in the amount of \$320.00.

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.

So as to perfect this agreement the landlord is given an Order of Possession and I will Order the landlord may retain the security deposit.

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.

The parties have settled their dispute in the above terms.

I grant the landlord an **Order of Possession** to reflect condition #1 of this agreement, effective October 15, 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 Order that the landlord may retain the security deposit of the tenancy.

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: September 19, 2017

Residential Tenancy Branch