



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes          OPB, MNR, FF, DRI, OPT, O

### Introduction

This face-to-face hearing was scheduled to consider cross-applications pursuant to the *Residential Tenancy Act* (the “Act”).

The landlord seeks:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application pursuant to section 72.

The tenant seeks:

- to dispute a rent increase pursuant to section 43; and
- an Order of Possession for the tenant pursuant to section 54.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### 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. At the outset of the hearing the parties indicated that they had settled most of the outstanding issues between them, as recorded in a mutual agreement signed by the parties. The parties requested their agreement be entered as a full and final settlement agreement.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The Tenant will move out of the Rental Suite and provide vacant possession to the Landlord by no later than 1 pm December 1, 2017.

2. The Tenant shall pay \$1,215.00/month for August 2017, September 2017, October 2017, and November 2017 for use and occupation only.
3. If the tenant is able to move out before December 1, 2017, she will notify the Landlord as soon as possible.
4. The Landlord shall provide compensation to the Tenant in the amount equivalent to 4 months use and occupation (\$4,860.00), made payable on November 1, 2017 after the scheduled RTB hearing.
5. The Landlord will attend or instruct his counsel to attend the RTB Hearing on November 1, 2017, and the Tenant will attend or instruct her agent or counsel to attend the RTB hearing on November 1, 2017 to log in this settlement agreement. At the hearing the Tenant, her agent, or her counsel will consent to an order of possession being granted in favour of the Landlord effective on December 1, 2017.
6. If the Tenant does not vacate the Rental Suite on or before 1pm December 1, 2017 the Tenant must immediately repay the Landlord \$4,860.00
7. The parties will conduct a move-out condition inspection on December 1, 2017 at 1 pm. Upon completion and agreement by the parties of any damage and deductions to be made, the landlord will provide the tenant with the balance of the security deposit for this tenancy.
8. This settlement agreement constitutes a final and binding resolution of both parties' applications at this hearing.

### 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 tenants by the landlords **only** if the tenant and any other occupants fail to vacate the rental premises by 1:00 p.m. on December 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: November 1, 2017

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Residential Tenancy Branch