



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing was convened by way of conference call in response to the Landlord's Application for Dispute Resolution (the "Application") for an Order of Possession and a Monetary Order for unpaid rent. The Landlords also requested to keep the Tenants' security deposit, and to recover the filing fee. The Landlords amended their monetary claim to increase the amount of rent and utilities owed.

Of the Tenants and both Landlords appeared for the hearing and provided affirmed testimony. The Tenant confirmed receipt of the Landlord's Application and the Landlords' evidence, all of which were served prior to the hearing.

The hearing process was explained and the parties were given a full opportunity to present evidence on the relevant matters in this tenancy.

At the start of the hearing, the Landlords withdrew their request for an Order of Possession because the Tenant had vacated the rental unit and the Landlords had received possession of the rental unit.

The hearing continued to hear the Landlords' monetary claim for unpaid rent and utilities. The parties had a discussion about the exact amounts owing. While the parties disagreed with the amounts testified to, the parties were able to come to an agreement on the outstanding amount owed.

Section 63 of the *Residential Tenancy Act* enables an Arbitrator to 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.

As a result, the parties agreed to move forward with resolution by way of a settlement agreement contingent upon a payment plan as follows.

Settlement Agreement

The parties agreed to settle the Landlords' Application in full as follows:

1. The Tenant agreed to the Landlords keeping her pet damage and security deposit in the amount of \$750.00
2. In addition, the Tenant agreed to pay the Landlords a total of \$4,500.00 for unpaid rent, unpaid utilities and the filing fee.
3. The Landlords agreed to allow the Tenant to pay this amount in monthly installments of \$190.00 to be paid on the last day of each month starting December 31, 2017 until the debt is fully satisfied.
4. The parties should retain documentary evidence of payments made pursuant to this agreement.
5. If the Tenants fail to adhere to the above terms and conditions, the Landlords are at liberty to enforce the attached Monetary Order for any outstanding payment through the Small Claims Division of the Provincial Court as an order of that court.

This agreement is final and binding on the parties and in full satisfaction of the Landlords' Application. The parties confirmed their agreement to voluntary resolution in this manner both during and at the end of the hearing. This file is now closed.

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 29, 2017

Residential Tenancy Branch