



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

This hearing was convened as a result of the landlords' Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("Act"). The landlords applied for an order of possession for unpaid rent or utilities and for a monetary order for unpaid rent or utilities.

This application began as a landlords' application via the Direct Request process which was adjourned to a participatory hearing based on the Interim Decision dated November 24, 2017, which should be read in conjunction with this decision.

Tenant E.D. ("tenant"), landlord Z.L.L. ("landlord") and an agent for the landlord ("agent") attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

Neither party raised any concerns regarding the service of documentary evidence. The parties provided their email addresses at the outset of the hearing which were confirmed by the undersigned arbitrator and confirmed that the decision would be emailed to both parties and that any applicable orders would be emailed to the appropriate party.

Settlement Agreement

During the hearing, the parties agreed to settle this matter, on the following conditions:

1. The parties agree that as of December 28, 2017, the tenants owe the landlords **\$4,900.00** comprised of \$4,800.00 in rent arrears, plus the \$100.00 filing fee.
2. The parties agree that the tenants will pay the landlords as per #1 above, via two payments of \$2,450.00, the first payment being due on **December 31, 2017 by 5:00 p.m. of \$2,450.00**, and the second payment being due on **January 15, 2018 by 5:00 p.m. of \$2,450.00**. Both payments will be paid by the tenants to the landlords via e-transfer payment. The email address of the landlords was confirmed by the tenant during the hearing.
3. The tenants agree that January 2018 rent of \$2,400.00 will be paid on January 1, 2018 in accordance with the tenancy agreement and that rent is due on the first day of each month thereafter.
4. The parties agree that the landlords will be granted a **conditional** order of possession effective **two (2) days after service on the tenants** which will be effective if the tenants fail to pay either payment to the landlords described in #2 above.
5. The parties agree that the landlords are granted a monetary order pursuant to section 67 of the *Act* in the amount of **\$4,900.00** which will be of no force or effect if the tenants pay the landlords in accordance with #2 above, and both payments described in #2 above are successfully received and deposited by the landlords.
6. The landlords agree to withdraw their application in full as part of this mutually settled agreement.

This settlement agreement was reached in accordance with section 63 of the *Act*. The parties confirmed their understanding and agreement that this mutually settled agreement was made on a voluntary basis and that the parties understood the final and binding nature of their settlement agreement and that it was enforceable.

Conclusion

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

The landlords have been granted a conditional order of possession effective two (2) days after service on the tenants, which will be effective if the tenants fail to pay the landlords as per #2 above. Should the landlords require enforcement of the order of possession, the landlords must serve the order of possession on the tenants and the order of possession may be filed in the Supreme Court of British Columbia and enforced as an order of that court.

The landlords have been granted a monetary order pursuant to section 67 of the *Act* in the amount of \$4,900.00 which will be of no force or effect if the tenants pay the landlords in accordance with #2 above, and both payments described in #2 above are successfully received and deposited by the landlords. Should the landlords need to enforce the monetary order, the monetary order must be served on the tenants and may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: December 28, 2017

Residential Tenancy Branch