



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CHEN-LEE WANG C/O SUTTON MAX REALTY AND PROP. MAGT.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR RP OPR MNDC

Introduction

This hearing dealt with an application from both the corporate landlord and the tenants pursuant to the *Residential Tenancy Act* (“Act”).

The tenants sought:

- a cancellation of the landlord’s Notice to End Tenancy for Unpaid, pursuant to section 46 of the *Act*; and
- repairs to the rental unit pursuant to section 33 of the *Act*.

The landlord sought:

- an order of possession for unpaid rent, pursuant to section 55 of the *Act*; and
- a monetary award for unpaid rent, pursuant to section 67 of the *Act*.

Both parties attended the hearing, with the corporate landlord being represented by agents, J.Y. and W.L. (the “landlord”), and the tenants being represented by tenant T.L. Both parties were given a full opportunity to be heard, to present their testimony, to make submissions, to call witnesses and to cross-examine one another.

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. During the

hearing the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

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

1. Both parties entered into a mutual agreement that this tenancy will end on June 30, 2018 at 1:00 P.M., by which date the tenants and any other occupants will have vacated the rental unit.
2. The tenants agreed to surrender their security deposit of \$940.00 in partial satisfaction for the unpaid rent of April, May and June 2018.
3. The tenants agreed to pay a monetary award of \$4,910.00 representing the unpaid rent of April, May and June 2018, less their security deposit.
4. Both parties agreed that this settlement agreement constituted a final and binding resolution of the parties' applications before me today and does not prejudice any future applications that may be brought by the tenants.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect by 1:00 P.M. on June 30, 2018. The landlord is provided with this Order in the above terms and the tenants must be served with this Order in the event that the tenants do not abide by condition #1 of the above settlement. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a Monetary Order in the landlord's favour in the amount of \$4,910.00 against the tenants as follows:

ITEM	AMOUNT
Unpaid Rent for April 2018	\$1,950.00
Unpaid Rent for May 2018	1,950.00
Unpaid Rent for June 2018	1,950.00
Less Security Deposit	(-940.00)
Total =	\$4,910.00

The landlord is provided with a Monetary Order in the above terms and the tenants must be served with this Order as soon as possible. Should the tenants fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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: June 18, 2018

Residential Tenancy Branch