



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL MNDCL-S MNRL-S OPC

Introduction

This hearing dealt with an application from the landlord pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for Cause pursuant to section 55 of the *Act*;
- a Monetary Award for unpaid late fees pursuant to section 67 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Both parties attended the hearing, with the corporate landlord being represented by agent, M.K.

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 July 31, 2018 at 1:00 P.M., by which date the tenant and any other occupants will have vacated the rental unit.
2. The tenant agreed to pay a monetary award of \$2,780.00 representing all outstanding late fees associated with the tenancy.

3. The parties agreed that this tenancy ends by way of their Mutual Agreement to End Tenancy, and not on the basis of the landlord's 1 Month Notice to End Tenancy issued on April 3, 2018.
4. Both parties acknowledged that this settlement agreement constituted a final and binding resolution of the landlord's application before me today and does not prejudice any future applications that may be brought by either party.

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 the tenant's 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 July 31, 2018. The landlord is provided with this Order in the above terms and the tenant must be served with this Order in the event that the tenant does not abide by condition #1 of the above settlement. 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.

I issue a Monetary Order in the tenant's favour in the amount of \$2,780.00 against the tenant. The landlord is provided with a Monetary Order in the above terms and the tenant must be served with this Order as soon as possible. Should the tenant 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 25, 2018

Residential Tenancy Branch