



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

CLARIFICATION DECISION

Dispute Codes OPR, MNDCL-S, FFL

Introduction

The applicant has requested a clarification of a decision of the Residential Tenancy Branch dated May 22, 2018, (the Decision”). The original hearing dealt with the landlord’s application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*;
- a monetary order for unpaid rent pursuant to section 67 of the *Act*;
- an Order allowing the pet deposit to be retained by the landlord and applied as against unpaid rent pursuant to section 67 of the *Act*; and
- authorization to recover her filing fee for this application from the tenants pursuant to section 72 of the *Act*.

Analysis

Section 78 (b) of *Residential Tenancy Act* enables the Residential Tenancy Branch to clarify a Director’s order or a decision if a party is unclear about or does not understand the decision, order or reasons. Clarification involves making the order or decision more clear or plain to the understanding. Clarification allows the Residential Tenancy Branch to explain, but not to change the decision.

In the Request for Clarification as filed the applicant refers to a “verbal order” made by the arbitrator to the tenant during the hearing. I confirm that there were no verbal orders made and, that all nine terms of the parties’ agreement are set out in the Decision.

The parties testified at the hearing that they understood and agreed to the nine terms, free of any duress or coercion. The parties also testified that they understood and

agreed that the nine terms were legal, final, binding and enforceable, and settled all aspects of their dispute.

Conclusion

The nine terms of the settlement as agreed to between the parties are as set out in writing in the Decision. The landlord has been granted an Order of Possession that she may act on if there are any arrears of rent as of July 15, 2018.

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 6, 2018

Residential Tenancy Branch