



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNR MNDCT FFT (tenants); MNRL-S OPR FFL (landlord)**

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- Cancellation of 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("Ten-Day Notice") pursuant to section 46;
- A monetary order for compensation for damages pursuant to section 67;
- Authorization to recover the filing fee for this application from the landlord pursuant to section 72.

This hearing also dealt with the landlord's application pursuant to the *Act* for:

- A monetary order for unpaid rent pursuant to section 67;
- A monetary order for compensation for damages pursuant to section 67;
- Authorization to apply the security deposit to the order for outstanding rent pursuant to section 72;
- Authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their affirmed testimony and to make submissions. Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order. Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a Decision:

The Parties mutually agree as follows:

1. The tenancy between the parties continues pursuant to the terms of the lease that began on February 1, 2018 and will end on December 31, 2018 at 1:00 PM at which time the tenants and all occupants will have vacated the unit;
2. The tenants acknowledge owing rent to the landlord for the month of October 2018 in the amount of \$1,500.00;
3. The tenants agree to pay the landlord on or before 1:00 PM on December 1, 2018, the outstanding amount for rent for October 2018 of \$1,500.00 as well as the rent for December 2018 of \$1,500.00 in the total amount of \$3,000, to be paid in cash to the landlord who shall provide the tenants with a receipt therefore;
4. The security and pet deposit of \$750.00 each held by the landlord for a total amount of \$1,500.00 will be dealt with according to the *Act* at the end of the tenancy;
5. All remaining claims are dismissed without leave to reapply, with the exception of the tenants' claim pursuant to section 67; the parties acknowledge the tenants intend to apply for a monetary order with respect to the tenancy.

To give effect to the settlement, I issue to the landlord the following orders:

1. An order of possession effective 1:00 PM on December 31, 2018 which must be served upon the tenants, should the tenants fail to vacate the unit;
2. A monetary order requiring the tenants to pay the sum of \$3,000.00 to the landlord on or before 1:00 PM on December 1, 2018 to be served upon the tenants only if the tenants fail to pay the full amount by that time.

These terms comprise the full and final settlement of all aspects of this dispute for both parties.

The parties are still bound by all the rights, responsibilities, terms and conditions of the tenancy agreement, the *Act*, and the associated regulations.

Both parties testified that they understood and agreed that the above terms are final, binding, and enforceable.

Based on the above, I find that all matters between these parties raised in this application are resolved pursuant to the above agreed terms.

Conclusion

The landlord is granted an order of possession effective at 1:00 PM on December 31, 2018. The order of possession must be served upon the tenants. If the tenants do not comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that court.

The landlord is granted a monetary order in the amount of **\$3,000.00** to be served on the tenants **only** if the tenants fail to pay the landlord the full amount of **\$3,000.00** by 1:00 PM on December 1, 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: November 19, 2018

Residential Tenancy Branch