



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MNDCL OPR FFL

Introduction

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

- A monetary order for unpaid rent pursuant to section 67;
- A monetary order for compensation for damages pursuant to section 67;
- An order of possession under a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("Ten-Day Notice") pursuant to section 46; and
- Authorization to recover the filing fee for this application from the tenant pursuant to section 72;

The landlord appeared with her advocate SG ("the landlord"). The tenant attended. Both parties 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.

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:

- The month-to-month tenancy between the parties ended on October 11, 2018;
- The tenant acknowledged owing the landlord the sum of **\$3,815.09** calculated as follows:

ITEM	AMOUNT
Outstanding rent for August, September and October 2018 (\$850.00 a month x 3 months)	\$2,550.00
Compensation for expenses incurred by the landlord to remove refuse from the exterior of the unit from April to November 2018	\$1,165.09
Reimbursement of the filing fee	\$100.00
TOTAL OWING LANDLORD BY TENANT	\$3,815.09

- The tenant agrees to pay interest to the landlord on the amount owing at the yearly rate of 3.45% calculated monthly on the declining balance;
- The tenant agrees to reimburse the landlord for the amount owing of **\$3,815.09** by monthly payments starting February 1, 2019 in the amount of \$200.00 and continuing on the first of every month thereafter until the amount owing, **\$3,815.09 and interest**, is paid in full.
- The tenant agrees to remove her possessions from the unit on or before 1:00 PM on December 2, 2018, failing which the landlord may dispose of her possessions without further notice to the tenant.

To give effect to the settlement reached between the parties, I issue to the landlord the attached monetary order in the amount of **\$3,815.09** to be served on the tenant by the landlord **only** if the tenant fails to pay the landlord monthly payments starting February 1, 2019 in the amount of \$200.00 and continuing on the first of every month thereafter until the amount owing, **\$3,815.09 and interest**, is paid in full.

Both parties testified that they understood and agreed that the above terms are final, binding, and enforceable, and settle all aspects of this dispute.

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

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. If the tenant only makes a partial payment and not the total amount, this partial payment must be accounted for if the landlord is enforcing the monetary order.

Conclusion

To give effect to the settlement reached between the parties, I issue to the landlord the attached monetary order requiring the tenant to pay the sum of **\$3,815.09** to the landlord to be served upon the tenant only if the tenant fails to pay the landlord monthly payments starting February 1, 2019 in the amount of \$200.00 and continuing on the first of every month thereafter until the amount owing, **\$3,815.09 and interest**, is paid in full

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 27, 2018

Residential Tenancy Branch