



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR FFT RP FFL OPRM-DR

Introduction

This hearing dealt with applications from both the landlord and the tenant pursuant to the *Residential Tenancy Act* (“Act”).

The landlord applied for:

- An Order for Possession for unpaid rent pursuant to section 55;
- A monetary order for unpaid rent and utilities pursuant to section 67; and
- Authorization to recover the filing fee for this application from the tenant pursuant to section 72

The tenant applied for:

- Cancellation of the landlord’s 10 Day Notice to End Tenancy (the “10 Day Notice”) pursuant to section 46;
- An order that the landlord make emergency repairs to the rental unit pursuant to section 33; and
- Authorization to recover the filing fee for this application from the landlord pursuant to section 72

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

As both parties were in attendance service of documents was confirmed. The tenant confirmed receipt of the landlord’s 10-Day Notice, the application for dispute resolution and evidence. The landlord confirmed receipt of the tenant’s application for dispute resolution and evidence. Based on the testimonies I find that each party was served with the respective materials in accordance with sections 88 and 89 of the *Act*.

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. This tenancy will end at 12:00 p.m. on December 31, 2018, by which time the tenant and any other occupant will have vacated the rental unit.
2. Both parties agree that this tenancy ends by way of this agreement and the 10 Day Notice is cancelled and of no further force or effect.
3. The parties agree that there is an arrear for unpaid rent and utilities of \$4,270.00 and that the landlord is entitled to a monetary order in that amount.
4. The parties agree that the landlord may retain the security deposit for this tenancy of \$750.00 in partial satisfaction of the monetary award.
5. This settlement comprises the full and final settlement of both applications.

Both parties testified 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 at the hearing, I issue the attached Order of Possession to be used by the landlord **only** if the tenant fails to vacate the rental unit by 12:00 p.m. on December 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 tenants do not vacate the premises by 12:00 p.m. on December 31, 2018. 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.

In order to implement the above settlement reached between the parties and as discussed with them at the hearing, I issue a monetary Order in the landlord's favour in the amount of \$3,520.00 which represents unpaid rental arrears and unpaid utilities, less the \$750.00 security deposit already deducted. The landlord is provided with this 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: December 11, 2018

Residential Tenancy Branch