



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPRM-DR, FFL

Introduction

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

- Cancellation of 10 Day Notice to End Tenancy for Unpaid Rent or Utilities pursuant to section 46.

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

- An order for possession pursuant to section 55;
- A monetary order for unpaid rent pursuant to section 67; and
- 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.

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 agreed as follows:

- The month-to-month tenancy between the parties continues pursuant to the terms of the tenancy agreement and will end at 1:00 PM on February 28, 2019, at which time the tenants and all occupants will have vacated the unit;
- The tenants acknowledge an obligation to pay rent arrears of \$4,700.00 and tenants agree to pay landlord the full amount of \$4,700.00 by January 9, 2019 and tenants further agree that if they fail to do so, the landlord can forthwith serve an Order of Possession upon them, effective two days after service;
- The tenants acknowledge an obligation to pay the monthly rent of \$1,400.00 for February 2019 on the first day of February 2019 and tenant further agrees that if they fail to do so, the landlord can forthwith serve an Order of Possession upon them, effective two days after service;
- The parties agree the landlord is granted an Order of Possession to be served by the landlord upon the tenant if the tenant remains in the unit after 1:00 PM on February 28, 2019 *or* if the tenant fails to pay rent or rent arrears as required in the tenancy agreement and in this settlement agreement.

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

Both parties testified that they understood and agreed that the above terms are final, binding, enforceable, free of any duress or coercion and settle all aspects of this application.

Conclusion

To give effect to the settlement reached between the parties:

I issue to the landlord an Order of Possession to be served upon the tenant, should the tenants and all occupants fail to vacate the unit by 1:00 PM on February 28, 2019.

I also issue an Order of Possession to be served upon the tenant should the tenants fail to pay the \$4,700.00 in rent arrears by January 9, 2019 as agreed in this settlement or should the tenants fail to pay the monthly rent of \$1,400.00 for February 2019 by the first day of February 2019.

I issue the landlord a Monetary order for \$4,700.00 should the tenants fail to pay the \$4,700.00 in rent arears by January 9, 2018.

I also issue the landlord a Monetary order for \$1,400.00 should the tenants remain in possession of the property in February 2019 but fail to pay the landlord the monthly rent of \$1,400.00 by the first day of February 2019.

If the tenant fails to comply with any or all of these Orders, the Order or Orders may be filed and enforced as an Order of the Provincial Court of British Columbia or the British Columbia Supreme Court as applicable.

Further to the settlement reached by the parties, I dismiss all claims by both parties in this application without leave to reapply.

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: January 16, 2019

Residential Tenancy Branch