



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: OPR MNR FF
Tenant: CNR RP RR MNDC

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “*Act*”).

The Landlord’s Application for Dispute Resolution was made on December 4, 2018 (the “Landlord’s Application”). The Landlord applied for the following relief, pursuant to the *Act*:

- an order of possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities; and
- an order granting recovery of the filing fee.

The Tenants’ Application for Dispute Resolution was made on November 20, 2018 (the “Tenants’ Application”). The Tenants applied for the following relief, pursuant to the *Act*:

- an order cancelling a notice to end tenancy for unpaid rent or utilities;
- an order that the Landlord make repairs to the unit, site, or property;
- an order reducing rent for repairs, services or facilities agreed upon but not provided; and
- a monetary order for money owed or compensation for damage or loss.

The Landlord was represented at the hearing by N.H., his agent. The Tenants were represented at the hearing by J.H. Both N.H. and J.H. provided affirmed testimony.

Settlement Agreement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised there is no obligation to resolve the dispute through settlement, but that I could assist the parties to reach an agreement, which would be documented in my Decision and attached orders.

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The parties agree the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated November 10, 2018, is cancelled.
2. The parties agree the tenancy will continue until otherwise ended in accordance with the *Act*.
3. The Tenants agree to pay the Landlord \$9,100.00 no later than February 28, 2019 (the "Settlement Payment"), although partial payments may be made in advance. The Settlement Payment includes rent due to February 28, 2019. Rent remains payable when due on March 1, 2019.
4. The Landlord agrees the Landlord's Application is withdrawn.
5. The Tenants agree the Tenants' Application is withdrawn.

In support of settlement, and with the agreement of the parties, the Landlord is granted a monetary order in the amount of \$9,100.00, which will be of no force or effect if the Settlement Payment is made as described above. If any portion of the Settlement Payment remains unpaid after February 28, 2019, the monetary order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

Further, if any portion of the Settlement Payment remains unpaid after February 28, 2019, the Landlord is at liberty to issue a new notice to end tenancy for unpaid rent or utilities.

This agreement was reached in accordance with section 63 of the *Act*.

Conclusion

In support of the settlement, and with the agreement of the parties, the Landlord is granted a monetary order in the amount of \$9,100.00, which will be of no force or effect if the Settlement Payment is made as described above. If any portion of the Settlement Payment remains unpaid after February 28, 2019, the monetary order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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 7, 2019

Residential Tenancy Branch