



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Tenants: CNR

Landlord: MNRL-S/FFL

Introduction

On January 13, 2019, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) to cancel a 10-day Notice to End Tenancy for Unpaid Rent, dated January 7, 2019.

On January 31, 2019, the Landlord submitted an Application for Dispute Resolution under the Act. The Landlord requested a Monetary Order to recover unpaid rent, and to be compensated for the cost of the filing fee. The Landlord’s Application was crossed with the Tenants’ Application and the matter was set for a participatory hearing via conference call.

The Landlord and Tenant attended the hearing and provided testimony. They were provided the opportunity to present their relevant oral, written and documentary evidence and to make submissions at the hearing. The parties testified that they had been negotiating around the terms to end the tenancy and to repay outstanding rent.

Preliminary Matters

Section 63 of the Act allows an Arbitrator to 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 and include an Order. Accordingly, I assisted the parties to resolve this dispute by helping them negotiate terms for a Settlement Agreement with the input from both parties.

Settlement Agreement

The Landlord and Tenant confirmed during the hearing that this agreement was made voluntarily and that it was made in full satisfaction of both parties’ Applications.

1. The Tenant agreed to provide vacant possession of the rental unit on or before March 4, 2019 at 1:00 p.m.
2. The Tenant agreed that he owed the Landlord \$12,360.00 in outstanding rent and agreed to pay the Landlord this amount, less the amount of the security deposit.

3. The Tenant agreed that the Landlord could retain the security deposit, in the amount of \$1,350.00, to partially offset the outstanding rent.
4. This Application is now closed.

This agreement was summarized for the parties on two occasions and all parties in attendance at the hearing indicated that they agreed to resolve this dispute under these terms. The Landlord and the Tenant both acknowledged that they understood they were not required to enter into this agreement and that they understood the agreement was final and binding.

As both parties' issues were addressed by settlement, I make no award for the recovery of the filing fee.

Conclusion

The above Settlement Agreement is made in full satisfaction of the both the Landlord and Tenants' Applications.

As discussed with parties during the hearing, to give effect to the settlement reached between them, I issue the attached Order of Possession to be used by the Landlord only if the Tenants fails to vacate the rental unit by 1:00 p.m. on March 4, 2019. The Landlord is provided with this Order in the above terms and the Tenants must be served with this Order in the event that the Tenants do not vacate the rental unit as agreed to in the Settlement Agreement. Should the Tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

As also discussed with parties during the hearing, to give effect to the settlement reached between them, I issue the attached Monetary Order for unpaid rent, in the amount of \$11,010.00. The Landlord is provided with this Order in the above terms and the Tenants must be served with this Order in the event that the Tenants fail to pay the Landlord the outstanding rent, as agreed to in the Settlement Agreement. Should the Tenants fail to comply with this Order, this Order may be filed with the Province of British Columbia Small Claims 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: February 25, 2019

Residential Tenancy Branch