



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            OPR FF

### Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, made on January 24, 2019. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

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

The Landlord attended the hearing on his own behalf. The Tenant attended the hearing and was accompanied by E.M., an articulated law student, and J.T., her counsellor. The Landlord, Tenant, and J.T. provided a solemn affirmation at the beginning of the hearing.

### Settlement Agreement

The opportunity for settlement was discussed with the parties during the hearing. During the hearing, the parties agreed to settle this matter as follows:

1. The parties acknowledged the settlement agreement, dated November 23, 2018, in which the Tenant agreed to pay the Landlord \$4,450.00 for unpaid rent to December 31, 2018 (the "Original Settlement Agreement").
2. With respect to the Original Settlement Agreement, the parties agreed the Tenant paid \$1,900.00 on November 26, 2018, and \$100.00 on December 11, 2018, leaving \$2,450.00 outstanding.
3. The parties agreed rent was paid when due on January 1 and February 1, 2019.
4. The parties agreed the Tenant paid \$570.00 towards rent due on March 1, 2019, but that \$880.00 remains outstanding.
5. During the hearing, the Tenant agreed to pay the Landlord \$1,000.00 on account of outstanding utilities due to March 31, 2019.
6. The parties agreed the total amount of rent and utilities due to the Landlord to March 31, 2019, is currently \$4,330.00 (\$2,450.00 + \$880.00 + \$1,000.00).

7. The Tenant agreed to pay \$4,330.00 to the Landlord no later than March 16, 2019 (the "New Settlement Payment").
8. The parties agreed rent remains payable when due on April 1, 2019.
9. The parties agreed the tenancy will continue until otherwise ended in accordance with the *Act*.

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

The Landlord is granted leave to apply for an order of possession if the New Settlement Payment is not made by the Tenant as agreed.

The file numbers related to the Original Settlement Agreement are reproduced above for ease of reference.

#### Conclusion

I order the parties to comply with the terms of the settlement agreement described above.

In support of the settlement, and with the agreement of the parties, the Landlord is granted a new monetary order in the amount of \$4,330.00. ***The monetary order dated November 23, 2018, is void and is of no force or effect.*** If necessary, the new monetary order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

The Landlord is granted leave to apply for an order of possession if the New Settlement Payment is not made by the Tenant as agreed.

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: March 11, 2019

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Residential Tenancy Branch