



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNR FFT OLC**

Introduction

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

- Cancellation of a 10 Day Notice to End Tenancy for unpaid rent and/or utilities pursuant to section 46;
- An order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62; and
- Authorization to recover the filing fee for this application pursuant to section 72.

The landlord and the tenant appeared for the scheduled hearing. The landlord confirmed that he received the landlord's notice of hearing package and evidence and the tenant confirmed receipt of the landlord's evidence. 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.

Settlement

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.

1. The tenant will pay \$461.00 to the landlord for the septic pump out utility performed on May 17, 2017. This amount includes one half the filing fee paid for this application.

2. The 10 Day Notice to End tenancy for Unpaid Rent or Utilities issued on March 1, 2019 is cancelled and of no further force or effect.
3. The rights and obligations of the parties continue until the tenancy ends in accordance with the *Act*.
4. This settlement comprises the full and final settlement of the tenants' application.

Both parties testified at the hearing 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

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 **\$461.00**. 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: April 25, 2019

Residential Tenancy Branch