



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL, FFL; CNR, LAT, LRE, OLC, FFT

Introduction

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

- an order of possession for unpaid rent, pursuant to section 56;
- a monetary for unpaid rent, pursuant to section 67; and
- authorization to recover the filing fee for his application, pursuant to section 72.

This hearing also dealt with the tenant's application pursuant to the *Act* for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated May 10, 2019 ("10 Day Notice"), pursuant to section 46;
- authorization to change the locks to the rental unit, pursuant to section 70;
- an order restricting the landlord's right to enter the rental unit, pursuant to section 70;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 62; and
- authorization to recover the filing fee for his application, pursuant to section 72.

The landlord's agent ("landlord") and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlord confirmed that she was the daughter of the landlord named in this application and that she had permission to speak on his behalf as an agent. This hearing lasted approximately 37 minutes.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application.

During the hearing, both parties confirmed that there is a "future hearing" scheduled for the landlord's application for an order of possession and monetary order based on the landlord's 10 Day Notice, on July 29, 2019 at 9:30 a.m. The tenant confirmed that he received the landlord's application for that matter. Both parties agreed to settle the landlord's application at this hearing

and confirmed that they would not attend the future hearing because it is cancelled by way of this agreement.

Settlement Terms

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 and an order. During the hearing, the parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The tenant agreed to pay the landlord \$500.00 for May 2019 rent by June 25, 2019, by way of e-transfer to the email address provided by the landlord during the hearing;
 - a. the tenant provided the password to access the e-transfer to the landlord during the hearing;
2. The landlord agreed to email the tenant with the name, address, and phone number for the new owner of the rental unit as well as confirm whether the tenant's security deposit of \$250.00 has been transferred from the landlord to the new owner of the rental unit, by June 28, 2019;
3. The landlord agreed that the landlord's 10 Day Notice, dated May 10, 2019, was cancelled and of no force or effect;
4. The landlord agreed that the landlord is not the current owner of the rental unit and has no ability to obtain an order of possession for this rental unit;
5. The tenant agreed that he does not require any other orders against this landlord at this time;
6. Both parties agreed that this settlement agreement constitutes a final and binding resolution of the landlord's application scheduled for a future hearing at 9:30 a.m. on July 29, 2019, arising out of this tenancy, the file number of which appears on the front page of this decision;
 - a. Both parties confirmed that they would not be attending the future hearing which is hereby cancelled by way of this settlement;
7. Both parties agreed to bear the costs of the \$100.00 filing fees paid for their applications;
8. The tenant agreed that this settlement agreement constitutes a final and binding resolution of the tenant's application at this hearing.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties understood and agreed to the above terms, free of any duress or coercion. 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 advised to both parties during the hearing, I issue a monetary Order in the landlord's favour in the amount of \$500.00. I deliver this Order to the landlord in support of the above agreement for use **only** in the event that the tenant fails to abide by condition #1 of the above agreement. The tenant must be served with a copy of this Order. 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.

I order the landlord to email the tenant with the name, address, and phone number for the new owner of the rental unit as well as confirm whether the tenant's security deposit of \$250.00 has been transferred from the landlord to the new owner of the rental unit, by June 28, 2019.

Both parties must bear their own costs for the \$100.00 filing fees paid for their applications.

The landlord's application, scheduled for a future hearing on July 29, 2019 at 9:30 a.m., is settled by way of this agreement and neither party is required to attend the future hearing.

The landlord's 10 Day Notice, dated May 10, 2019, is cancelled and of no force or effect.

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: June 26, 2019

Residential Tenancy Branch