



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MACDONALD COMMERCIAL R.E.S. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FFL MNRL-S OPR

Introduction

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

- An order of possession pursuant to section 55;
- A monetary award pursuant to section 67; and
- Authorization to recover the filing fee from the tenants pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The corporate landlord was represented by its agent DA (the "landlord"). Both named tenants attended.

The landlord testified that they served the 10 Day Notice dated April 18, 2019 by registered mail sent on that date. The landlord provided a valid Canada Post tracking number. The landlord testified that they served each of the tenants with the application for dispute resolution and evidence on May 8, 2019 by registered mail. The landlord provided two valid Canada Post tracking numbers as evidence of service. The tenants confirmed receipt of the 10 Day Notice but said they did not receive the dispute resolution package. Based on the evidence I find that the tenants were served with the 10 Day Notice in accordance with sections 88 and 89 of the Act and are deemed served with the application package on May 13, 2019, five days after mailing, in accordance with sections 88, 89 and 90 of the Act.

Analysis

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.

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

1. The tenants will pay the full monthly rent of \$2,268.00 to the landlord by July 1, 2019.
2. This tenancy will end on 1:00 pm July 31, 2019, by which time the tenants and any other occupants will have vacated the rental unit.
3. The landlord will receive a monetary order as against the tenant, KM in the amount of \$5,169.80.
4. Both parties agree that this settlement agreement constitutes a full, final and binding resolution of the landlord's application at this hearing.

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

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue the attached Order of Possession to be served on the tenants by the landlord **only** if the tenants and any other occupants fail to vacate the rental premises by 1:00 p.m. on July 31, 2019. 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.

I issue a monetary Order in the landlord's favour in the amount of \$5,169.80, as against the tenant KM only. 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: June 25, 2019

Residential Tenancy Branch