



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPRM-DR, FFL

Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on May 14, 2019, wherein the Landlord sought an Order of Possession and monetary compensation based on a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities issued on May 2, 2019 (the "Notice").

The original hearing occurred by way of Direct Request Proceeding. The Landlord was granted an Order of Possession and monetary compensation based on the Notice.

The Tenant applied for and was granted Review Consideration of the Decision and Orders pursuant to section 79 of the *Residential Tenancy Branch*. By Decision dated June 3, 2019 the original Decision and Orders were suspended pending the Review Hearing.

The Review Hearing was scheduled for teleconference at 9:30 a.m. on July 15, 2019. The Landlord, the Tenant, W.T., as well as the Landlord's property manager, B.M. and legal counsel, C.S., called into the hearing. No one appeared on behalf of the Tenant, J.W. During the hearing, the hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Settlement and Conclusion

During the hearing the parties reached a comprehensive settlement. Pursuant to section 63 of the *Act*, I record their agreement in this my Decision and resulting Orders. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter. The terms of the settlement are as follows.

1. The tenancy shall end at 1:00 p.m. on July 31, 2019.
2. The Landlord is granted an Order of Possession 1:00 p.m. on July 31, 2019. This Order must be served on the Tenant and may be enforced in the B.C. Provincial Court (Small Claims Division).
3. By no later than July 22, 2019, the Tenant, W.T., shall pay to the Landlord \$3,060.00, representing the outstanding rent. This amount shall be paid by direct bank transfer to the Landlord's account.
4. Should W.T. not pay the \$3,060.00 as required,
 - a. the Landlord shall be entitled to an Order of Possession effective two days after service on the Tenant. The Landlord shall make no use of this Order of Possession if the Tenant pays as required.
 - b. The Landlord shall be entitled to a Monetary Order in the amount of \$3,060.00. The Landlord shall make no use of this Order of Possession if the Tenant pays as required.
5. The parties shall meet at the rental unit at 11:00 a.m. on July 31, 2019 for an initial inspection. Should any repairs or cleaning be required the Landlord shall inform the Tenant at that time. The final condition inspection shall occur at 1:00 p.m. on July 31, 2019.
6. The Tenants' security deposit shall be dealt with in accordance with section 38 of the *Act*.

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: July 15, 2019

Residential Tenancy Branch