



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **FFL OPRM-DR**

**CNR RP**

### Introduction

This hearing dealt with applications filed by both the landlord and the tenant pursuant to the *Residential Tenancy Act* (“Act”).

The landlord applied for:

- Authorization to recover the filing fee for this application from the tenant pursuant to section 72;
- An order of possession for unpaid rent and a monetary order for the same pursuant to sections 55 and 67.

The tenant applied for:

- An order to cancel a 10 Day Notice for Unpaid Rent or Utilities pursuant to section 46;
- An order for regular repairs to be done to the rental unit pursuant to section 32.

Both the landlord and the tenant attended the hearing. The parties acknowledged the exchange of the applications for dispute resolution and evidence and stated there were no concerns with timely service of documents and were prepared to deal with the matters of the applications.

### Settlement Reached

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. This tenancy will end at 1:00 p.m. on August 31, 2019, by which time the tenant and any other occupant will have vacated the rental unit.

2. Both parties agree that this tenancy ends by way of this agreement and the Notice to End Tenancy is cancelled and of no further force or effect.
3. The rights and obligations of the parties under the *Act* continue until the tenancy ends in accordance with this agreement.
4. The parties will conduct a condition inspection report at 1:01 PM on August 31, 2019.
5. The tenant agrees to pay \$15,275.00 to the landlord, representing arrears up to July 31, 2019 and rent for the month of August 2019.
6. This settlement comprises the full and final settlement of each of the parties' applications.

Both parties testified 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 discussed at the hearing, I issue the attached Order of Possession. The parties agree that the tenants are to vacate the rental unit by 1:00 P.M. on August 31, 2019, and the landlord is to serve this Order of Possession immediately and enforce it as early as 1:01 PM on August 31, 2019, should the landlord choose to do so. 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.

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 \$15,275.00. 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: July 30, 2019

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Residential Tenancy Branch