



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD FF / CNR

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

Landlord:

- an order of possession for unpaid rent and utilities pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to retain all or a portion of the tenant’s security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover the filing fee for this application pursuant to section 72.

Tenant:

- cancellation of the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46.

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement.

Terms of Settlement

Pursuant to section 63 of the Act, an 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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenant and landlord reached a mutual agreement to **end this tenancy** *no later* than **1:00 p.m. on November 1, 2019**, and, the landlord will be granted an **Order of Possession** effective this date.
2. The parties agree that the tenant is in rent arrears for a total of \$6400.00. The tenant agrees to also reimburse the landlord the \$100.00 filing fee for this application for a total of \$6500.00.
3. The landlord may retain the tenant's security deposit in the amount of \$1150.00 which will be applied to the outstanding amount leaving a balance of \$5350.00.
4. The tenant agrees to pay to the landlord the balance of \$5350.00 in bi-weekly installments of \$1000.00 in accordance with the following payment plan terms and conditions:
 - i. Payment of \$1000.00 payable by electronic mail transfer to the landlord on November 15, 2019.
 - ii. Payment of \$1000.00 payable by electronic mail transfer to the landlord on November 29, 2019.
 - iii. Payment of \$1000.00 payable by electronic mail transfer to the landlord on December 13, 2019.
 - iv. Payment of \$1000.00 payable by electronic mail transfer to the landlord on December 27, 2019.
 - v. Payment of \$1000.00 payable by electronic mail transfer to the landlord on January 10, 2020.
 - vi. Payment of \$350.00 payable by electronic mail transfer to the landlord on January 24, 2020.
5. The landlord is granted a Monetary Order for the balance of \$5350.00 and the enforceable portion of this order will be reduced in accordance with any payments made to the landlord. If the tenant does not adhere to the payment schedule as stipulated above this monetary order may be enforced immediately.

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute.

This Decision and Settlement Agreement is final and binding on both parties.

Conclusion

I grant an Order of Possession to the landlord effective **1:00 p.m. on November 1, 2019**. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

Pursuant to section 67 of the *Act*, I grant the landlord a Monetary Order in the amount of **\$5350.00**. 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: October 21, 2019

Residential Tenancy Branch