



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. A Monetary Order for compensation - Section 67;
4. An Order to retain the security deposit - Section 38; and
5. An Order to recover the filing fee for this application - Section 72.

Both Parties attended the conference call hearing. At the onset, both Parties indicated their desire to reach an agreement to resolve the dispute and during the Hearing did reach a settlement agreement. 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.

Agreed Facts

The tenancy began on June 1, 2019. Rent of \$1,995.00 is was payable on the first day of each month. At the outset of the tenancy, the Landlord collected a security deposit of \$1,000.00. The Tenant owes rent for October, November and December 2019 and January 2020. The Landlord served the Tenant with a 10 day notice to end tenancy for

unpaid rent and the Tenant did not dispute this notice. The Tenant is still residing in the unit.

Settlement Agreement

The Parties mutually agree as follows:

- 1. The Tenant will move out of the unit no later than 1:00 p.m. on January 31, 2020;**
- 2. The Tenant will pay the Landlord \$7,080.00 representing rents owed for October 2019 to January 2020 inclusive, plus the \$100.00 filing fee, and the Landlord will retain the security deposit of \$1,000.00; and**
- 3. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Section 63(2) of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order. Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above. In order to give effect to the settlement I grant the Landlord an order of possession effective January 31, 2020 and a monetary order for \$7,080.00.

Conclusion

The Parties have settled the dispute.

I grant the Landlord an order of possession effective 1:00 p.m. on January 31, 2020.

I grant the Landlord an order under Section 67 of the Act for **\$7,080.00**. If necessary, this order may be filed in the Small Claims 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 Act.

Dated: January 16, 2020

Residential Tenancy Branch