



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes**      **FFL MNRL-S OPR / CNR**

### Introduction

This hearing dealt with two application pursuant to the *Residential Tenancy Act* (the “**Act**”). The landlords’ for:

- 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;
- an Order of Possession for non-payment of rent pursuant to section 55; and
- a monetary order for unpaid rent pursuant to section 67.

And the tenants’ for:

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

These applications had previously come to hearings on October 11, 2019 and November 22, 2019. I issued interim decisions after each of these hearings.

All parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

### 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, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

The parties agreed to the following final and binding settlement of all issues currently under dispute:

1. The tenants will vacate the rental unit on or before February 1, 2020 at 1:00 pm;
2. The tenants will pay the landlords:
  - a. \$2,200 on or before January 31, 2020;
  - b. \$2,200 on or before February 29, 2020; and
  - c. \$2,250 on or before March 31, 2020; and
3. Prior to vacating the rental unit, the tenants will provide the landlord with:
  - a. Their forwarding address; and
  - b. The name and address of the bank branch where their chequing and/or order savings accounts are located.

These particulars comprise the full and final settlement of all aspects of this dispute. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of this dispute between them.

### **Conclusion**

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached monetary order ordering the tenants to pay the landlords:

- a. \$2,200 on or before January 31, 2020;
- b. \$2,200 on or before February 29, 2020; and
- c. \$2,250 on or before March 31, 2020.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I issue the attached order of possession which orders that the tenants provide vacant possession of the rental unit to the landlords by 1:00 pm on February 1, 2020.

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: January 17, 2020

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Residential Tenancy Branch