



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LRE, MNDCT, MT, OLC, PSF, OPRM-DR

Introduction

This was a cross application hearing that dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent, pursuant to section 55;
- a Monetary Order for rent, pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

This hearing also dealt with the tenant's application pursuant to the *Act* for:

- cancellation of the 10 day Notice for Unpaid Rent or Utilities (the "Notice"), issued pursuant to section 46;
- an order to extend the time line for disputing the Notice, pursuant to section 66;
- an order for the landlord to comply with the *Act*, regulation and/or tenancy agreement pursuant to section 62;
- a Monetary Order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*;
- an order to restrict or suspend the landlord's right of entry pursuant to section 70; and
- an order requiring the landlord to provide services or facilities as required by the tenancy agreement or the *Act* pursuant to section 62.

As both parties were in attendance, I confirmed that there were no issues with services of both applications for dispute resolution. Both parties confirmed receipt of each other's application package. In accordance with sections 88 and 89 of the *Act*, I find that both landlord and tenant were duly served with each other's application.

Settlement

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 regarding these applications only.

Both parties agreed to the following final and binding settlement of all issues listed in these applications for dispute resolution:

- The tenant agrees to provide the landlord with vacant possession of the subject rental property by 1:00 P.M. on March 31, 2020;
- The tenant agrees to pay the landlord \$908.00 on February 1st for February's rent and \$908.00 on March 1st for March's rent;
- The tenant agrees to pay the landlord \$1,400.00 by March 31st for all the arrears discussed in this application (rent's balance from April, July, August, November and December 2019).

Conclusion

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

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect by 1:00 P.M. on March 31, 2020. The landlord is provided with this Order in the above terms and must serve it on the tenant as soon as possible in accordance with the Act. If the tenant fails to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I grant the landlord a monetary order in the amount of \$1,400.00 for all the arrears discussed in this application. This order is effective only on March 31, 2020.

Should the landlord fail to pay the settlement funds to the tenant as required above, this order may be filed at and enforced as an order of the Small Claims Division of the Provincial Court of British Columbia.

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 27, 2020

Residential Tenancy Branch