



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, OPU, MNRL-S, FFL / CNR

Introduction

This hearing dealt with two applications pursuant to the *Residential Tenancy Act* (the “**Act**”). The landlord’s 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 pursuant to section 55;
- a monetary order for unpaid rent and utilities pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

And the tenants’ for:

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

All parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlord was assisted by her property manager.

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.

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

- 1) The tenants will provide the landlords with vacant possession of the rental unit by March 30, 2020 at 12:00pm.
- 2) The landlord will keep the security deposit.
- 3) The tenants will pay the landlord \$12,400 (the “**Settlement Funds**”) on the following schedule:

\$1,400 on April 1, 2020	\$1,000 on October 1, 2020
\$1,000 on May 1, 2020	\$1,000 on November 1, 2020
\$1,000 on June 1, 2020	\$1,000 on December 1, 2020
\$1,000 on July 1, 2020	\$1,000 on January 1, 2021
\$1,000 on August 1, 2020	\$1,000 on February 1, 2021
\$1,000 on September 1, 2020	\$1,000 on March 1, 2021

- 4) The tenants will make each of these payments in cash or by money order.
- 5) If the tenants make a payment by money order, the tenants may deduct \$8 from that payment.
- 6) If the tenants are more than 15 days late making a payment, the balance of the Settlement Funds immediately become due.

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.

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 attach to the decision:

- 1) a monetary order ordering the tenants to pay the landlord \$12,400 on the schedule set out above; and
- 2) an order of possession which orders that the tenants provide vacant possession of the rental unit to the landlord by 12:00pm on March 30, 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: March 13, 2020

Residential Tenancy Branch