



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB MNR MNSD

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession based on a breach of an agreement 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; and
- authorization to recover the filing fee for this application pursuant to section 72.

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 parties agree that the tenant is in rent arrears of \$1100.00 for June 2020 and \$2700.00 for July 2020 for a total of \$3800.00.
2. The tenant agrees to pay to the landlord a good faith lump sum payment of \$1100.00 to cover June 2020 rent arrears on or before July 28, 2020.

3. The tenant agrees to pay to the landlord the remaining arrears balance of \$2700.00 for July 2020 plus the \$2700.00 rent payable for August 2020 in accordance with the following payment plan terms and conditions:
 - i. Payment of \$1000.00 to the landlord on August 15, 2020.
 - ii. Payment of \$1000.00 to the landlord on September 15, 2020.
 - iii. Payment of \$1000.00 to the landlord on October 15, 2020.
 - iv. Payment of \$1000.00 to the landlord on November 15, 2020.
 - v. Payment of \$1000.00 to the landlord on December 15, 2020.
 - vi. Payment of \$400.00 to the landlord on January 15, 2021.
4. The landlord is granted a Monetary Order for the full arrears amount plus rent payable for August 2020 totalling \$6500.00 and the enforceable portion of this order will be reduced in accordance with any payments made to the landlord.
5. The parties agreed that this fixed term tenancy was to end on June 30, 2020 and the tenant was to vacate on this date so the landlord could occupy the rental unit. The landlord and tenant agreed to extend the end of the fixed term to **1:00 p.m. on August 31, 2020, on condition** that the tenant adheres to the payment schedule as stipulated above. The landlord is granted an **Order of Possession** effective **two days after service of the Order** on the tenant which may be enforced prior to August 31, 2020 only if the tenant does not adhere to the payment schedule as stipulated above.

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

Subject to the conditions described above, I grant an Order of Possession to the landlord effective **two days after service of the Order** on the tenant. 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* and subject to the conditions described above, I grant the landlord a Monetary Order in the amount of **\$6500.00**. 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: July 27, 2020

Residential Tenancy Branch