



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **OPU, MNRL, FFL**

### Introduction

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

- An order of possession for unpaid utilities pursuant to sections 46 and 55;
- A monetary order for rent pursuant to section 67; and
- Authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The landlord KS attended the hearing, as did the tenant. As both parties were present, service of documents was confirmed. The tenant acknowledged service of the landlord's Application for Dispute Resolution and stated she had no concerns with timely service of documents.

### Settlement Reached

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. I advised the parties that there is no obligation to resolve the dispute through settlement and that if either party did not wish to resolve this matter through settlement, I was prepared to make a decision based on the evidence before me. During the hearing the parties discussed the issues between them, 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 at this time:

1. There will be a mutual agreement to end the tenancy. This tenancy will end at 1:00 p.m. on August 31, 2020, by which time the tenant and all other occupants will have vacated the rental unit.

2. The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities is cancelled and of no further force or effect.
3. The tenant agrees that the landlord is entitled to a monetary order in the amount of \$5,500.00, which represents arrears of \$600.00 for January 2020 rent, reduced by \$100.00 to compensate the tenant for a loss of water during that month as well as \$700.00 per month rent for the months of February to August 2020.

As the landlord was successful in her application, the \$100.00 filing fee will be recovered.

#### Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue an Order of Possession to the landlord. The landlord is to serve this Order of Possession immediately and enforce it as early as 1:00 p.m. on August 31, 2020, should the landlord be required to do so.

In order to implement the above settlement reached between the parties and as discussed with them at the hearing, I issue a monetary Order in the landlord's favour in the amount of \$5,600.00.

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: August 20, 2020

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Residential Tenancy Branch