



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC, OPR, MNDCL-S, MNRL-S, FFL

### Introduction

In this dispute, the landlord had initially sought an order of possession under sections 46, 47, and 55 of the *Residential Tenancy Act* (the “Act”). The landlord had also sought a monetary order under section 67 of the Act for unpaid rent, and, a claim for the filing fee under section 72 of the Act.

The landlord filed an application for dispute resolution on July 28, 2020 and a dispute resolution hearing was held on September 1, 2020. The landlord’s agent (along with another employee of the landlord who is not named in this decision), and the tenant, attended the hearing and were given a full opportunity to be heard, present testimony, make submissions, and call witnesses. No issues of service were raised by the parties.

The parties indicated that the dispute was largely settled, although some details of that settlement were as yet undetermined. It should be noted that the tenant has vacated the rental unit and as such the application for orders of possession are therefore dismissed.

### Settlement Agreement

Section 63 of the Act grants an arbitrator discretion to assist the parties in settling their dispute. Further, if the parties settle their dispute during dispute resolution proceedings, the arbitrator may record the settlement in the form of a decision or an order.

After some discussion, the parties agreed to settle the dispute as follows:

1. the tenant agrees to pay the landlord a monthly amount of \$500.00 starting on November 1, 2020, and subsequent payments of \$500.00 are due on the first day of each month thereafter until the total amount of \$11,050.00 is paid off.

Should the tenant fail to comply with the terms of the settlement agreement as laid out above, the landlord may file an application for dispute resolution claiming the amount owed and request a monetary order against the tenant.

As the parties reached a resolution of this dispute through settlement, I decline to award the \$100.00 application filing fee.

Further, as stated in the hearing, the landlord has 15 days from today's date (September 1, 2020) to either return the tenant's security deposit in full, or, to file an application for dispute resolution claiming against that deposit. All of which is pursuant to section 38 of the Act. The security deposit may not be applied in partial satisfaction of the above-noted amount of \$11,050.00 without the tenant's written consent.

This decision is made on authority delegated to me under section 9.1(1) of the Act.

Dated: September 1, 2020

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Residential Tenancy Branch