



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **MNDL-S, MNRL-S, MNDCL-S, OPC, FFL**

### Introduction

This hearing dealt with an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- A monetary order for unpaid rent and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* (“*Regulation*”) or tenancy agreement pursuant to section 67 of the *Act*;
- Authorization to retain all or a portion of the tenant’s security deposit in partial satisfaction of the monetary order requested pursuant to section 72 of the *Act*;
- Authorization to recover the filing fee for this application pursuant to section 72.

The landlord attended with her daughter and representative MK (“the landlord”). The tenants attended.

The parties were given a full opportunity to be heard, to present affirmed testimony, make submissions, and call witnesses. I explained the hearing process and provided the parties with an opportunity to ask questions.

Before the conclusion of this 62-minute hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a Decision:

**The parties agreed as follows:**

1. The tenancy between the parties will end at 1:00 PM on September 30, 2020, by which time the tenants and any other occupants will return vacant possession of the rental unit to the landlord;
2. The tenants acknowledged owing the landlord \$4,600.00 for rent to the end of September 2020;
3. The tenants agreed the landlord may apply the security and pet deposit of \$1,050.00 to the amount outstanding;
4. The tenants agreed that the landlord is forthwith issued a Monetary Order in the amount of **\$3,550.00** calculated as follows:

| ITEM   | AMOUNT            |
|--|-------------------|
| Outstanding rent to September 30, 2020 (June, July, August, September 2020 x \$1,400.00 monthly) | \$4,600.00        |
| (Less security deposit)  | (\$1,050.00)      |
| <b>TOTAL MONETARY ORDER</b>  | <b>\$3,550.00</b> |

5. The landlord agreed that any subsidy payment or government reimbursement for rent will reduce the amount of the Monetary Order enforceable by the landlord.
6. The parties will conduct a condition inspection prior to 1:00 pm on September 30, 2020 and the landlord may bring an application under section 67 for compensation for damages to the unit.

In support of this settlement and with the agreement of both parties, I grant the landlord the following:

1. Order of Possession effective September 30, 2020; *and*
2. Monetary Order in the amount of **\$3,550.00**.

Should the tenant fail to comply with these Orders, the Orders may be filed and enforced as an Order of the Supreme Court of British Columbia.

This settlement agreement was reached in accordance with section 63 of the *Act*.

The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the *Act*. Should either party violate the terms of this agreement, the tenancy agreement or the *Act*, it is open to the other party to take steps under the *Act* for an appropriate remedy.

### Conclusion

Pursuant to the above settlement, I issue the following Orders:

1. Order of Possession effective 1:00 PM on September 30, 2020; *and*
2. Monetary Order in the amount of **\$3,550.00..**

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: September 18, 2020

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Residential Tenancy Branch