



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Brown Brothers Agency and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes **CNR-MT (tenant); OPR, MNR and FFL (landlord)**

Introduction

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

- Cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("Ten Day Notice") pursuant to section 46;
- A request for more time to cancel the Notice to End Tenancy pursuant to section 66;

This hearing also dealt with two applications 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*;
- An order for possession under a 10-Day Notice to End Tenancy for Unpaid Rent ("Ten-Day Notice ") pursuant to sections 46 and 55;
- An order for possession under a One Month Notice to End Tenancy for Cause ("One Month Notice") pursuant to sections 47 and 55;
- Authorization to recover the filing fee for this application pursuant to section 72.

LB, RB and CS attended as agents for the landlord ("the landlord"). The tenant attended. The parties were given a full opportunity to be heard, to present affirmed

testimony, make submissions, and call witnesses. The parties did not raise any issues regarding the service of evidence. The hearing process was explained, and each party had the opportunity to ask questions. The hearing lasted 62 minutes.

The parties agreed to correction of the name of the landlord which is accordingly amended throughout.

Before the conclusion of this 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 tenant is in arrears of rent in the amount of \$9,075.00 including outstanding rent for the month of December 2020;
2. The tenancy will continue on the present terms subject to the provision so f the agreement and the Act, providing the tenant pay all arrears in full on or before 1:00 PM on December 31, 2020;
3. If the tenant does not pay all arrears in full on or before 1:00 PM on December 31, 2020, the tenant shall vacate the unit by that time/date, that is, 1:00 PM on December 31, 2020;
4. The contact for the landlord **Brown Bros. Agencies Ltd.** Is the following agent:
Cynthia Smith
Tel: 250 294 7261
Email: cynthissmith@brownbors.com

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

1. A Monetary Order in the amount of an \$9,075.00;
2. An Order of Possession effective 1:00 PM on December 31, 2020.

Should the tenant fail to comply with these Orders, they may be filed and enforced as Orders of the Courts 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

This application is settled on the above terms. In support of this settlement and with the agreement of both parties, I grant the landlord the following:

1. A Monetary Order in the amount of an \$9,075.00;
2. An Order of Possession effective 1:00 PM on December 31, 2020.

These Orders must be served on the tenant.

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: December 14, 2020

Residential Tenancy Branch