



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, FFT, OPRM-DR, OPR-DDR-PP, MNRL-S, FFL

### Introduction

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”).

The Tenant applied on October 13, 2020 for:

1. An Order cancelling a notice to end tenancy - Section 46; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord applied on November 2, 2020 for:

1. An Order of Possession - Section 55;
2. An Order for unpaid rent or utilities - Section 67;
3. An Order to retain the security deposit - Section 38; and
4. An Order to recover the filing fee for this application - Section 72.

The Parties were each given full opportunity under oath to be heard, to present evidence and to make submissions. During the hearing the Parties reached a settlement agreement. The Parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the Parties understood the nature of this full and final settlement of this matter.

### Agreed Facts

The tenancy began on December 16, 2019. Rent of \$3,750.00 is payable on the first day of each month. At the outset of the tenancy, the Landlord collected \$1,875.00 as a

security deposit. The Tenant paid no rent for the period April to August 2020 inclusive in the amount of \$18,750.00. The Tenant was given a repayment plan for this amount with the first payment of \$1,875.00 payable on October 1, 2020. On October 3, 2020 the Landlord served the Tenant with a 10-day notice to end the tenancy for unpaid rent (the Notice") for October 2020 and for the unpaid first installment payment for a total amount \$5,625.00. The Tenant did not pay rent for November and December 2020 and for January 2021.

### Settlement Agreement

Section 63 of the Act is set out as follows:

- (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order.

**The Parties mutually agree as follows:**

- 1. The tenancy will end at 1:00 p.m. on January 31, 2020 and the Tenant will move out of the unit by that time and date;**
- 2. The Tenant will pay the Landlord \$33,750.00 representing unpaid rent for April, May, June, July, August, October, November and December 2020 and for January 2021;**
- 3. The security deposit will be dealt with after the end of the tenancy; and**
- 4. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above. To give effect to this agreement I grant the Landlord an order of possession effective 1:00 p.m. on January 31, 2021 and a monetary order for \$33,750.00.

Conclusion

The Parties have settled the dispute.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: January 05, 2021

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Residential Tenancy Branch