



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      OPU-DR-PP, OPUM-DR, FFL

### **Introduction**

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

- an order of possession for non-payment of rent pursuant to section 55;
- a monetary order for unpaid rent in the amount of \$8,329.60 pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The hearing was convened from a non-participatory, *ex parte* proceeding by way of an interim decision made December 23, 2020.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlord was represented by counsel. The landlord's wife and the tenant's two adult daughters also attended the hearing but did not participate.

### **Analysis**

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. During the hearing the parties discussed the issues between them, engaged in a conversation, 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:

1. The tenant will provide vacant possession of the rental unit to the landlord on or before April 1, 2021.
2. The tenant will, by December 31, 2021, pay the landlord \$5,000 in satisfaction of all rental arrears owed as of the date of this hearing.
3. The tenant may make these payments in installments or in a single lump sum.

4. The tenant may deliver the payments to the landlord's counsel's office, who will issue her a receipt.

These particulars comprise the full and final settlement of all aspects of this dispute. The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of this dispute between them.

### **Conclusion**

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I attached the following orders to this decision:

- 1) a monetary order ordering the tenant to pay the landlord \$5,000 by December 31, 2021; and
- 2) a order of possession which orders that the tenant provide vacant possession of the rental unit to the landlord by 1:00 pm on April 1, 2021

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: March 18, 2021

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Residential Tenancy Branch