



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF

### Introduction and Procedural Matters

This review hearing was convened as the result of the tenant's successful Application for Review Consideration.

This dispute began as a result of the tenant's application for dispute resolution under the Residential Tenancy Act (Act). The tenant applied for:

- an order cancelling the One Month Notice to End Tenancy for Cause (Notice) issued by the landlord; and
- to recover the cost of the filing fee.

A hearing was scheduled for and was convened on December 8, 2020. At the hearing, the landlords attended; however, the tenant failed to attend.

In a Decision of December 8, 2020, the original arbitrator dismissed the tenant's application in her absence and the landlords were granted an order of possession of the rental unit, effective December 31, 2020, at 1:00 p.m.

The tenant filed the Application for Review Consideration which resulted in a Decision by another arbitrator with the Residential Tenancy Branch (RTB), on December 16, 2020, granting the tenant a new hearing on the tenant's original application for dispute resolution. That Decision should be read in conjunction with this decision.

This was the new hearing and the merits of the tenant's original application were considered.

The parties appeared, were affirmed, and a mediated discussion was held. This discussion resulted in the settlement of the issues.

### **Settlement and Conclusion**

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. The terms of the settlement are as follows.

1. The tenancy shall end at 1:00 p.m. on April 30, 2021.
2. The landlord is granted an Order of Possession effective at 1:00 p.m. on April 30, 2021. This Order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.
3. The tenant understands and agrees that the landlords will be issued a monetary order in the amount of \$400, which is the amount owed for monthly rent in April 2021, in the event the tenant fails to pay the monthly rent due on April 1, 2021.
4. The monetary order is cancelled and of no force or effect if the tenant pays the monthly rent as scheduled.
5. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the tenant's application and that no finding is made on the merits of the said application for dispute resolution or the landlord's Notice.

I order the parties to comply with their settlement and the respective orders.

The tenant is cautioned that if she does not voluntarily comply with the order of possession, **costs of such enforcement, such as bailiff fees, are subject to recovery from the tenant.**

As the parties reached a settlement of all issues, for that reason, I set aside the original Decision and order of possession of the rental unit granted to the landlords on December 8, 2020. That Decision and order of possession are of no force or effect.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy 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 settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

This decision containing the parties settlement 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*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: March 11, 2021

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Residential Tenancy Branch