



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPU, MNRL, FFL
 CNR

Introduction

This hearing convened as a result of cross applications. In the Landlord's Application, filed on March 8, 2021, the Landlord sought an order of Possession and monetary compensation based on a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities, issued on February 23, 2021 (the "Notice") as well as recovery of the filing fee. In the Tenant's Application, filed on March 1, 2021, the Tenant sought to cancel the Notice.

The hearing of the parties' Applications was scheduled for teleconference at 9:30 a.m. on June 17, 2021. Both parties called into the hearing. The hearing process was explained, and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form and make submissions to me.

Settlement and Conclusion

During the hearing the parties reached a comprehensive settlement. Pursuant to section 63 of the *Residential Tenancy Act* (the "Act"), I record their agreement in this my Decision and resulting Orders. As the parties resolved matters by agreement, I make no findings of fact or law with respect to their relative claims.

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 Tenant will vacate the rental unit by no later than **6:00 p.m. on June 24, 2021.**

2. The Landlord is entitled to an Order of Possession effective **6:00 p.m. on June 24, 2021**. This Order may be filed in the Supreme Court and enforced as an order of that Court.
3. The parties agree the Landlord may retain the Tenant's \$575.00 security deposit towards outstanding rent.
4. The Tenant shall pay to the Landlord the amount of \$4,960.00 representing the balance of outstanding rent as of June 24, 2021, such payments to be made by e-transfer as follows:
 - a. \$826.67 on June 24, 2021;
 - b. \$826.67 on July 24, 2021;
 - c. \$826.67 on August 24, 2021;
 - d. \$826.67 on September 24, 2021;
 - e. \$826.67 on October 24, 2021; and,
 - f. \$826.67 on November 24, 2021.
5. In furtherance of the above, the Landlord is granted a Monetary Order under section 67 of the *Act* in the amount of \$4,960.00.
 - a. Should the Tenant make the payments as required, the Landlord shall make no use of the Monetary Order.
 - b. In the event the Tenant fails to pay, the Landlord must serve the Monetary Order on the Tenant and may file and enforce the Order in the Provincial Court (Small Claims).
6. Should the Tenants not vacate the rental unit by **6:00 p.m. on June 24, 2021**, I grant the Landlord liberty to apply for a further Monetary Order.

This decision is final and binding on the parties, except as otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: June 17, 2021

Residential Tenancy Branch