



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL-S, FFL

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The landlord applied for:

- an order of possession under a 10-Day Notice to End Tenancy for Unpaid Rent, pursuant to sections 46 and 55;
- a monetary order for unpaid rent, pursuant to section 26;
- an authorization to retain the tenants' security deposit, under section 38; and
- an authorization to recover the filing fee for this application, under section 72.

Landlord XL and tenant CC attended the hearing. The landlord was assisted by advocate JZ (the landlord). All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing the attending parties affirmed they understand it is prohibited to record this hearing.

Per section 95(3) of the Act, the parties may be fined up to \$5,000.00 if they record this hearing: "A person who contravenes or fails to comply with a decision or an order made by the director commits an offence and is liable on conviction to a fine of not more than \$5 000."

Preliminary Issue – Update of the Tenancy Address

At the outset of the hearing the landlord corrected the tenancy address. Pursuant to section 64(3)(a) of the Act, I have amended the landlord's application.

Settlement

Pursuant to section 63 of the Act, an 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 between them relating to the tenancy:

1. The tenants will pay \$20,000.00 via electronic payment by November 15, 2021 to the landlord for all the arrears related to the tenancy.
2. The landlord will email the tenants all the details necessary for the electronic payment by November 03, 2021. The email addresses of the tenants and landlord are recorded on the cover page of this decision.

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 with them during the hearing, pursuant to section 63(2) of the Act, I grant the landlord a monetary order in the amount of \$20,000.00. The monetary order for the November 15, 2021 payment may be served if the tenants default the November 15, 2021 payment. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) to be enforced as an order of that Court.

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: November 02, 2021

Residential Tenancy Branch