



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPU, MNRL-S, FFL**

Introduction

This hearing dealt with an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- A monetary order for unpaid rent and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*;
- Authorization to apply the security deposit to the award pursuant to section 72.
- An order for possession under a 10-Day Notice to End Tenancy for Unpaid Rent and Utilities ("Ten-Day Notice ") pursuant to sections 46 and 55;
- Authorization to recover the filing fee for this application pursuant to section 72.

The tenants attended ("the tenant"). The landlords attended ("the landlord"), All parties had opportunity to provide affirmed testimony, present evidence and make submissions. The hearing process was explained. No issues of service were raised. I find the landlord served the tenant as required under the Act.

Recording

The parties were cautioned that recordings of the hearing were not permitted pursuant to Rule 6.11 of the *Residential Tenancy Branch Rules*. Both parties confirmed their understanding of the requirement and further confirmed they were not making recordings of the hearing.

Delivery of Decision

Each party confirmed their email address to which a copy of the Decision will be sent.

Settlement

Before the conclusion of this 45-minute hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a Decision:

The parties agreed as follows:

1. The tenancy between the parties will end at 1:00 PM on January 31, 2022, by which time the tenant and any other occupants will return vacant possession of the rental unit to the landlord.
2. The tenant is in arrears of rent and utilities in the amount of \$1,655.00.
3. A Monetary Order in the amount of \$1,655.00 shall be issued to the landlord for the outstanding amount.
4. The tenant shall pay rent of \$1,655.00 to the landlord for the month of January 2022.

In support of this settlement and with the agreement of both parties, I grant the landlord the following:

1. Order of Possession effective 1:00 PM on January 31, 2022; *and*
2. Monetary Order in the amount of \$1,655.00.

Should the tenant fail to comply with these Orders, the Orders may be filed and enforced as an Order of the Courts of British Columbia.

This settlement agreement was reached in accordance with section 63 of the *Act*. Each party stated they understood and agreed to the terms of this settlement.

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 agreement, the tenancy agreement, or the *Act*, it is open to the other party to take steps under the *Act* for an appropriate remedy.

The issue of the security deposit shall be dealt with by the parties at the end of the tenancy.

Conclusion

The Application for Dispute Resolution for settled on the above terms of settlement.

Pursuant to the above settlement, I issue the following Orders:

1. Order of Possession effective 1:00 PM on January 31, 2022; *and*
2. Monetary Order in the amount of \$1,655.00.

These Orders must be served on the tenant. The Orders may be enforced in the Courts of the Province of BC.

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: December 13 2021

Residential Tenancy Branch