



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Tenant: CNR

Landlord: OPU MNR MNDC FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on April 14, 2022.

Both parties attended the hearing and provided affirmed testimony. Both parties confirmed they understood Rule 6.11. Each person was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Settlement Agreement

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.

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 and an Order:

Both parties agree that:

- All Notices to End Tenancy issued thus far are cancelled and of no force or effect.

- The Tenants will pay the current outstanding utility bills, in the amount of \$959.36, within 2 days of this hearing.
 - The Landlord may serve and enforce the attached order of possession, if this payment is not made.
- The Tenants will pay May rent, in the amount of \$2856.00, on the first of the month.
 - If the Tenants fail to pay this amount, on time, the Landlords may serve and enforce the attached order of possession.
- The Tenants agree to move out of the unit no later than May 31, 2022, at 1pm.
 - If the Tenants fail to move out by this time, the Landlord may serve and enforce the attached order of possession.
- The Landlord will be granted a monetary order for \$3,815.36, which includes the current outstanding unpaid utilities, as of today's date, in the amount of \$959.36, plus \$2,856.00 in rent for May 2022 rent. This monetary order is only enforceable if the Tenants fail to pay the agreed upon amounts for utilities and May rent.
 - If the Landlord receives part of the agreed upon amounts, then they may only seek to collect on the remaining balance of what is owed. It may be helpful for the Landlord to retain records, in the event partial payments are made, to help clarify which amounts are still owed and enforceable in Small Claims Court.

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.

Conclusion

In support of the agreement described above, the landlord is granted an order of possession effective **two days after service** on the tenants, which the Landlord may serve and enforce if the tenant fails to make an arrears payment as laid out above. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

In support of the agreement described above, the Landlord is granted a monetary order pursuant to Section 67 in the amount of **\$3,815.36**. The Landlord may only seek to enforce this order for amounts that remain unpaid, and if the payment arrangements are not met. The Landlord should be prepared to corroborate whether some payments have been made along the way, if and when this order is enforced. This order must be

served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

This Order **must** be read in conjunction with the above mutual settlement agreement and the Landlord **must not** seek to enforce this Order on the Tenant, unless the Tenant fails to meet the conditions of the payment plan.

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: April 14, 2022

Residential Tenancy Branch