



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPN, FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- an order of possession based on written notice by a tenant pursuant to section 55;
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

Tenant GD attended the hearing and was assisted by her husband AB. The landlord was represented at the hearing by its property manager ("**ZZ**") and building manager ("**GM**"). All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The parties agreed that the tenant ES had vacated the rental unit and had given written notice that she was ending the tenancy as of January 31, 2022 (which was the impetus for this application). She did not attend the hearing.

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 currently under dispute and any future issues relating to rental arrears for March, April, or May 2022:

1. Tenant GD must pay the landlord \$6,300 on or before May 13, 2022 at 4:00 PM (the "**Settlement Payment**").
2. Tenant GD will provide the landlord with vacant possession of the rental unit on or before June 30, 2022 at 1:00 PM.
3. The tenant must pay monthly rent for June, 2022.

4. In the event the tenant fails to make the Settlement Payment by May 14, 2022, the landlord may make a request for a correction of this decision stating that the tenant has failed to make the Settlement Payment. I will then review the request, issue an interim decision, and reconvene this hearing to determine whether or not the Settlement Payment was made. In the event I find that it was not made, I will vacate the above-made order of possession and issue the landlord a new order of possession effective two days from being served on tenant GD by the landlord (the tenant will still be responsible for making the Settlement Payment).

The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final, and binding, which settle all aspects of this dispute between them and any dispute about February, March, or April 2022 arrears.

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 at the hearing, I issue:

- 1) An order of possession which requires that tenant GD provide vacant possession of the rental unit to the landlord by 1:00 pm on June 30, 2022.
- 2) A monetary order ordering the tenant to pay the landlord \$6,300 by May 13, 2022.

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: May 9, 2022

Residential Tenancy Branch