



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HAVEN MANAGEMENT CO. LTD. DBA HAVEN
PROPERTIES and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

For the tenant: CNR

For the landlord: MNR-DR, OPR-DR, FFL

Introduction

This hearing dealt with a cross application. The tenant's application pursuant to the Residential Tenancy Act (the Act) is for cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the Notice), pursuant to section 46.

The landlord's application pursuant to the Act is for:

- an order of possession under the Notice, pursuant to sections 46 and 55;
- a monetary order for unpaid rent, pursuant to section 26; and
- an authorization to recover the filing fee for this application, under section 72.

Tenant CC (the tenant) and the landlord attended the hearing. The landlord was represented by agent TS (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 all the parties were clearly informed of the Rules of Procedure, including Rule 6.10 about interruptions and inappropriate behaviour, and Rule 6.11, which prohibits the recording of a dispute resolution hearing. All the parties confirmed they understood the Rules of Procedure.

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 \$5,000.00."

Preliminary Issue – named landlord

The tenant's application lists the landlords as "Haven Properties, Weststone Group".

The landlord affirmed that the landlord is "Haven Management Co. Ltd. DBA Haven Properties".

Pursuant to section 64(3)(a) of the Act, I have amended the tenant's application.

Preliminary Issue – Update of the Tenancy and tenant's Addresses

At the outset of the hearing the landlord corrected the tenancy and tenant's addresses.

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 listed in these applications for dispute resolution:

1. The tenant agrees to give vacant possession of the rental unit to the landlord on September 30, 2022 at 1:00 P.M.
2. The tenant owes rental arrears in the total amount of \$24,000.00, including rent from April 01, 2020 to September 01, 2022.
3. The tenant will pay \$200.00 per month, on the first day of the month, starting on October 01, 2022, for 120 months. The tenant will make the payments via electronic payment to the email address recorded on the cover page of this decision or via pre-authorized debt payment.
4. The landlord is authorized to retain the security deposit in the amount of \$415.00.
5. The landlord may serve the monetary order of \$24,000.00 if the tenant defaults on the monthly payments.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of these applications.

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 issue an order of possession to the landlord, which is to take effect on September 30, 2022 at 1:00 P.M.

The landlord is provided with this order in the above terms and must serve it on the tenant in accordance with the Act. If the tenant fails to comply with this Order, this order may be filed and enforced as an order of the Supreme Court of British Columbia.

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 \$24,000.00. The monetary order may be served if the tenant defaults on the monthly payments. 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: September 23, 2022

Residential Tenancy Branch