



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

Landlord:

- an order of possession for unpaid utilities pursuant to section 55;
- a monetary order for unpaid utilities pursuant to section 67;

Tenant:

- cancellation of the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent and/or Utilities (the 10 Day Notice) pursuant to section 46;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- authorization to recover the filing fee for this application pursuant to section 72.

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement.

Terms of 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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenant and landlord agree **that this tenancy will end no later than 1:00 p.m. on February 28, 2023**, and, the landlord will be granted an **Order of Possession**.
 2. The landlord agrees to not enforce the attached Order of Possession until **1:00 p.m. on February 28, 2023**, on the following conditions:
 - i. The tenant pays all future rent and utilities payments in full and on time as per the tenancy agreement.
- If the tenant fails to comply with the above condition and is more than 5 days late with rent and/or utilities payments, the landlord may enforce the attached order of possession effective **two days after service of the Order** on the tenant.
3. As part of this settlement, the tenant is entitled to one month rent compensation and this shall be applied to the month of February 2023.

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute.

This Decision and Settlement Agreement is final and binding on both parties.

Subject to the conditions described above, I grant an Order of Possession to the landlord effective **1:00 p.m. on February 28, 2023**. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia. 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: October 11, 2022

Residential Tenancy Branch