



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, RP, LRE, RPP, FFT
 MNRL-S, FFL

This hearing convened as a result of cross applications. In the Tenant's Application for Dispute Resolution, filed on November 10, 2022, the Tenant requested the following relief:

- an Order cancelling a Notice to End Tenancy for Unpaid Rent and Utilities issued on November 8, 2023 (the "Notice");
- an Order that the Landlord:
 - make repairs to the rental unit;
 - be restricted from entering the rental unit;
 - return the Tenant's personal property; and,
- recovery of the filing fee.

In the Landlord's Application, filed on November 21, 2022, the Landlord sought monetary compensation from the Tenant for unpaid rent and utilities, authority to retain the Tenant's security deposit towards any amounts awarded and recovery of the filing fee.

The hearing of the parties' Applications was scheduled for teleconference at 11:00 a.m. on March 27, 2023. Both parties called into the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Settlement and Conclusion

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims. 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. The terms of their settlement follow.

1. The tenancy shall end and the Tenants shall vacate the rental unit by no later than **1:00 p.m. on April 15, 2023**. The Tenant shall leave the rental property vacant and free of their personal possessions, clean and undamaged.
2. The Landlord is granted an Order of Possession effective **1:00 p.m. on April 15, 2023**. The Landlord must serve the Order on the Tenants as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
3. The parties agree the sum of \$10,700.00 is outstanding for rent for the months November 2022 to March 2023.
4. In furtherance of the above, I grant the Landlord a Monetary Order in the amount of \$10,700.00. The Monetary Order must be served on the Tenants and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.
5. The balance of the Tenants' claim is dismissed without leave to reapply.
6. The Landlord's request for authority to retain the Tenants security deposit, as well as monetary compensation for unpaid utilities is dismissed with leave to reapply.

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: March 27, 2023

Residential Tenancy Branch