



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR, MNR-S, FFL

Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed February 23, 2023, wherein the Landlord sought an Order of Possession and monetary compensation based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on January 7, 2023 (the "Notice"), an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee for the Application.

The hearing was scheduled for teleconference at 9:30 a.m. on March 20, 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 reached a comprehensive settlement. Pursuant to section 63 of the *Residential Tenancy Act* (the "Act"), I record their agreement in this my Decision and resulting Orders. 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 the settlement are as follows.

1. The Tenant will vacate the rental unit by no later than **1:00 p.m. on April 5, 2023.**

2. The Landlord is entitled to an Order of Possession effective **1:00 p.m. on April 5, 2023**. This order may be filed in the Supreme Court and enforced as an order of that Court.
3. The Tenant shall pay to the pay the amount of \$2,500.00 comprised of \$2,400.00 and the \$100.00 fee paid by the Landlord for this application.
4. The Landlord may retain the Tenant's security deposit of \$400.00 in partial satisfaction of the claim.
5. I grant the Landlord an order under section 67 for the balance due of **\$2,100.00**. This Order must be served on the Tenant and may be filed in the Provincial Court (Small Claims) and enforced as an Order of that Court.
6. Should the Tenant not vacate the rental unit by April 5, 2023, I grant the Landlord liberty to apply for a further Monetary Order, including rent for April 2023.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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 22, 2023

Residential Tenancy Branch