



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

SETTLEMENT DECISION

Dispute Codes **CNR, OPR-DR, MNR-DR, FFL**

Introduction

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties pursuant to the Residential Tenancy Act (the "Act") for Orders as follows:

The tenant applied as follows:

- For cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice") pursuant to section 46 of the Act

The landlord applied as follows:

- For a monetary order for unpaid rent pursuant to section 67 of the Act
- For an order of possession pursuant to section 55 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

Both parties attended the hearing with the landlord represented by agent MM, while the tenant, BM appeared for herself. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The parties confirmed they were not recording the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The tenant confirmed receipt of the 10 Day Notice dated November 22, 2022 . Pursuant to section 88 of the Act the tenant is found to have been served with the notice in accordance with the Act.

Preliminary Issue

The landlord's agent advised that the actual landlord is incorrectly named. The application is amended accordingly pursuant to section 64(3)(c) of the Act.

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 this application for dispute resolution:

1. The tenants agree to provide the landlord with vacant possession of the subject rental property on April 1, 2023 at 1:00 P.M.
2. The tenant will pay the landlord the sum of \$14,000.00 in total for unpaid rent.

As the parties have reached a settlement, I make no factual findings about the merits of this application, and I have only addressed the issues brought forward in the application before me.

Conclusion

I order the parties to comply with the terms of the settled agreement described above.

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 April 1, 2023, at 1:00 P.M., and a monetary order in favour of the landlord in the amount of \$14,000.00. The landlord is provided with these orders in the above terms and must serve them on the tenant in accordance with the Act. If the tenant fails to comply with the order of possession, the landlord may enforce the order of possession in the Supreme Court of British Columbia. The monetary order may be enforced by the landlord in the Provincial 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: March 28, 2023