



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPU-DR, MNU-DR, FFL

Introduction

The Landlords applied for dispute resolution (“Application”) by way of an *ex parte* Direct Request Proceeding under section 55(4) of the *Residential Tenancy Act* (the “Act”). The Landlords request an Order of Possession under a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”), a Monetary Order for unpaid rent and authorization to recover the filing fee for their Application from the Tenant.

During the Direct Request Proceeding it was determined by the Adjudicator that the written tenancy agreement submitted into evidence by the Landlords did not specify the date on which rent is due. Therefore, it was not possible to determine if, or when, rent would be deemed unpaid. As a result, it was ordered that the proceeding be adjourned and reconvened as participatory hearing under section 74 of the Act.

The Tenant attended the hearing. The Landlords and their Agent also attended the hearing. All parties who provided testimony affirmed to tell the truth during proceedings and were given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

Settlement

Pursuant to section 63 of the Act, an arbitrator may assist the parties to settle their dispute. 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 were able to reach a compromise and achieved a resolution of their dispute on mutually agreed terms.

Both parties agreed to the following final and binding settlement of all issues listed in the Application:

- The Tenant will provide the Landlords with vacant possession of the rental unit by 1:00 P.M. on April 30, 2023.
- The Tenant will pay the Landlords the sum of \$1,700.00 in full satisfaction of unpaid rent.
- Both parties agreed that this settlement agreement constituted a final and binding resolution of the Landlords' Application.

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 Landlords which is to take effect by 1:00 P.M. on April 30, 2023. The Landlords are provided with this Order in the above terms and must serve it on the Tenant in accordance with the Act. If the Tenant does not comply with the Order of Possession, it may be filed by the Landlord with the Supreme Court of British Columbia and enforced as an order of that court.

Additionally, 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 Landlords a Monetary Order in the amount of \$1,700.00. If the Tenant fails to comply with this order the Landlords may file the order in the Provincial Court (Small Claims) to be enforced as an order of that Court.

During the hearing parties were able to communicate with each other in a clear and amicable way. They were encouraged to continue this manner of communication throughout the duration of the remainder of the tenancy and in making arrangements regarding vacating the rental unit and payment of the unpaid rent.

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

As I am not deciding on the matter before me, I dismiss without leave to reapply the Landlords' request for the Tenant to pay the filing fee for the Application.

Conclusion

The parties agreed to settlement on final and binding terms.

The Landlords are issued an Order of Possession effective 1:00 P.M. on April 30, 2023.

The Landlords are issued a Monetary Order in the amount of \$1,700.00.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: April 20, 2023

Residential Tenancy Branch