



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR, MNRL, FFL

Introduction

The Landlords applied for dispute resolution (“Application”) and seek the following:

- an Order of Possession on an undisputed 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) under section 55(2)(b) of the *Residential Tenancy Act* (the “Act”);
- to recover unpaid rent under sections 26 and 67 of the Act; and
- the cost of the filing fee under section 72 of the Act

Parties appeared for both the Landlords and the Tenant. The parties affirmed to tell the truth during the hearing. Both parties were each given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

As both parties were present, service was confirmed at the hearing. The Tenant confirmed receipt of the Notice of Dispute Resolution Package (the “Materials”) and evidence. Based on their testimony I find that the Materials were served as required under section 89 of the Act.

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 May 31, 2023.
- The Tenant is ordered to pay the sum of \$4,000.00 to the Landlords in full satisfaction of unpaid rent as of May 1, 2023.
- 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 a Monetary Order of \$4,000.00 to the Landlords and an Order of Possession to the Landlords which is to take effect by 1:00 P.M. on May 31, 2023.

As discussed during the hearing, the matter of the security deposit will be discussed by the parties after the condition inspection of the rental unit at the end of the tenancy.

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. The Order of Possession is attached to this Decision and the Landlords 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 Landlords with the Supreme Court of British Columbia and enforced as an order of that court.

The Landlords are issued a Monetary Order. The Monetary Order is attached to this Decision and must be served on the Tenant. It is the Landlords' obligation to serve the

Monetary Order on the Tenant. The Monetary Order is enforceable in the Provincial Court of British Columbia (Small Claims Court).

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: May 19, 2023

Residential Tenancy Branch