



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR

Introduction

The Tenant applied for dispute resolution (“Application”) and seeks an order canceling a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) pursuant to section 46(4)(b) of the *Residential Tenancy Act* (the “Act”).

Parties appeared for both the Landlord 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 parties each confirmed receipt of the Notice of Dispute Resolution Package (the “Materials”) and evidence. Based on their testimonies I find that each party was served with these materials as required under sections 88 and 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 tenancy will continue.
- The Tenant will pay rent of \$1,321.00 per month by the first day of the month in accordance with the tenancy agreement.
- The Tenant will make additional weekly payments of \$200.00 by Friday of each week, commencing May 19, 2023, until the rental arrears of \$9,254.00 are satisfied.
- The Landlord will be issued a Monetary Order in the amount of \$9,254.00 which they may serve and enforce, if required, should the above additional payment schedule not be adhered to by the Tenant.
- Both parties agreed that this settlement agreement constituted a final and binding resolution of the Tenant's 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 Monetary Order in the amount of \$9,254.00 to the Landlord. Should the Tenant not adhere to the payment schedule as agreed, they must serve it on the Tenant in accordance with the Act. The Monetary Order is enforceable in the Provincial Court of British Columbia (Small Claims Court).

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

Conclusion

The parties agreed to settlement on final and binding terms.

The Landlord is issued a Monetary Order.

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 16, 2023

Residential Tenancy Branch