



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR, FFL
 CNR, FFT

Introduction

This hearing dealt with an application filed by both the tenant and the landlord pursuant to the Residential Tenancy Act (the “Act”):

The landlord applied for:

- an Order of Possession based on unpaid rent pursuant to sections 46 and 55; and,
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant applied for:

- cancellation of the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to sections 46 and 55; and,
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

CC and HH, the landlord’s agents, and KM, the tenant, appeared at the hearing.

The parties were cautioned that recording of the hearing is prohibited pursuant to Rule of Procedure 6.11. The parties were given full opportunity under oath to be heard.

Preliminary Matter

At the outset of the hearing, CC indicated that they are not the landlord as indicated on the tenant’s application. CC provided the correct name of the landlord. Pursuant to section 64(3)(a) of the Act, I have amended the **tenant’s** application to remove CC and include the correct landlord’s name.

Background and Evidence

Pursuant to section 63 of the Act, the 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, 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 currently under dispute at this time:

1. The tenancy is ended by way of a mutual agreement and not pursuant to the 10-Day Notice issued February 6, 2023.
2. The tenant will vacate the rental unit on or before June 30, 2023, no later than 1:00 p.m.
3. The tenant will pay to the landlord the amount of \$9,500.00.
4. Both parties agreed that this settlement agreement constituted a final and binding resolution of the applications before me today.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect not later than 1:00 p.m. on June 30, 2023. Should the tenant fail to comply with the terms of this settlement, the landlord may serve the tenant with this Order. This Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue a Monetary Order in the landlord's favour in the amount of \$9,500.00 against the tenant. The landlord is provided with a Monetary Order in the above terms. Should the tenant fail to comply with the terms of this settlement, the landlord may serve the tenant with this Order. This Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that 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 *Residential Tenancy Act*.

Dated: June 06, 2023