



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPN, MNRL-S, FFL**

Introduction

This hearing dealt with an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- An order of possession under a Notice to End Tenancy given by the tenant pursuant to section 55(2)(a);
- A monetary order for unpaid rent and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*;
- Authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 72 of the *Act*;
- An order requiring the tenant to reimburse the landlord for the filing fee pursuant to section 72.

Service

The landlord personally served the tenant with the Notice of Hearing and Application for Dispute Resolution by posting to the tenant's door on February 17, 2023. The tenant acknowledged service. I find service of documents complied with the *Act*.

Attendance

Both parties had opportunity to provide affirmed testimony, present evidence and make submissions. I explained the hearing process. Neither party made any adjournment or accommodation requests.

The hearing lasted 30 minutes.

Each party provided their address to which the RTB will send the Decision and Orders.

Settlement

I explained the settlement process, and the potential outcomes and consequences, to both parties.

I informed the parties that I could not provide legal advice to them. I would make my Decision after the hearing. I notified them that they could settle their tenancy issues privately or at an RTB hearing.

Both parties had an opportunity to ask questions, which I answered.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order.

Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute. This settlement agreement was reached in accordance with section 63.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a Decision:

The parties agreed as follows:

- 1) The tenancy between the parties will end at 1:00 PM on June 10, 2023, at which time the tenant and any other occupants will return vacant possession of the rental unit to the landlord.
- 2) The tenant shall pay \$8, 643.00 to the landlord for outstanding rent and utilities.
- 3) In partial satisfaction of the award, the landlord shall retain the deposit as follows:

ITEM	AMOUNT
Outstanding rent and utilities	\$8,643.00
(Less security deposit)	(\$1,000.00)
TOTAL MONETARY ORDER	\$7,643.00

- 4) The parties shall carry out a condition inspection of the unit on the last day of the tenancy.
- 5) The landlord may apply for an additional Monetary Order if required.

To give effect to this settlement agreement, I grant the landlord:

- 1) Order of Possession effective 1:00 PM on June 10, 2023. The landlord may enforce this Order if the tenant fails to move out as specified above.
- 2) Monetary Order in the amount of **\$7,643.00**.

The landlord may file and enforce the Order of Possession and Monetary Order in the Courts of the Province of BC.

This agreement constitutes settlement of this application.

The parties fully discussed this settlement. Each party stated they understood and agreed with the terms.

Based on the above, I find that all matters between these parties raised in this application are resolved pursuant to the above agreed terms.

Conclusion

I grant the landlord a Monetary Order in the amount of **\$7,643.00**.

I grant the landlord an Order of Possession effective two days after service.
The Orders may be filed and enforced in the Courts of the Province of BC.

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

Residential Tenancy Branch