



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNR  
                             OPR, MNRL-S, FFL

### Introduction

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

The tenants 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.

The landlord applied for:

- an Order of Possession based on unpaid rent pursuant to sections 46 and 55;
- a Monetary Order for unpaid rent pursuant to section 67; and,
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

CW appeared as agent for the tenants and indicated that they represent the tenants having recently becoming involved in this matter after the tenants’ previous agent became unavailable. AL appeared as lawyer for the landlord and GL, the property manager, appeared as agent for the landlord. All parties were given full opportunity to be heard. The parties were cautioned that recording of the hearing is prohibited pursuant to Rule of Procedure 6.11.

### Analysis

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 10, 2023.
2. The tenants will vacate the rental unit on or before June 30, 2023, not later than 1:00 p.m.
3. The tenants will pay the outstanding rent in the amount of \$25,000.00.
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 tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a Monetary Order in the landlord's favour in the amount of \$25,000.00 against the tenants. The landlord is provided with a Monetary Order in the above terms and the tenants must be served with this Order as soon as possible. Should the tenants fail to comply 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 08, 2023

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Residential Tenancy Branch