



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Introduction

This hearing dealt with the following applications under the *Residential Tenancy Act* (the Act):

- the Tenant's application to dispute a 10 Day Notice to End Tenancy For Unpaid Rent (the 10 Day Notice) issued June 5, 2023, and to recover their filing fee under section 72 of the Act.
- The Landlord's application for an Order of Possession and a Monetary Order for unpaid rent under sections 46, 55 and 67 of the Act, and authorization to recover their filing fee under section 72 of the Act.

Tenant JB and Landlords PD and CD attended the hearing. At the outset of the hearing the parties indicated their intention to settle their dispute.

Settlement

Under section 63 of the Act, the Arbitrator may assist the parties to settle their dispute and record it in the form of a decision and orders.

Both parties agreed to the following terms of their own free will:

1. The tenancy will continue under the tenancy agreement dated October 11, 2022, at the current monthly rent amount of \$2,400.00, with the following additional terms.
2. The Tenant will pay \$9,684.00 in rental and utility arrears to the Landlord as follows:

Date	Amount	Relates to
Sept 1, 2023	\$2,484.00	June rent / utilities
Sept 15, 2023	\$2,400.00	July rent
Sept 29, 2023	\$2,400.00	August rent
Oct 13, 2023	\$2,400.00	September rent
TOTAL	\$9,684.00	

3. After the arrears are paid in full, the Tenant may pay rent late for October and November 2023, as follows:

Date	Amount	Relates to
Oct 27, 2023	\$2,400.00	October rent
Nov 10, 2023	\$2,400.00	November rent

4. To carry out the terms of the agreement, the Landlord is granted a monetary order for arrears of \$9,684.00 and an order of possession for the rental unit.
5. If the Tenant does not comply with the payment plan outlined above, the Landlord may serve and enforce the monetary order and the order of possession.
6. This is a full settlement of all issues arising out of the tenancy at this time. Each party will bear the cost of their own filing fees.

Conclusion

I grant the Landlord a monetary order for \$9,684.00. Should the Tenant fail to comply with the agreed payment plan, the Landlord must serve a copy of the monetary order along with written demand for payment as part of the enforcement process. Should the Tenant then fail to comply with the monetary order, it may be filed in the Small Claims Division of the Provincial Court and enforced by that Court.

As discussed at the hearing, I grant the Landlord a conditional order of possession. Should the Tenant fail to comply with the settlement agreement, the Landlord must serve a copy of the order of possession on the Tenant as part of the enforcement process. Then, should the Tenant or any occupant on the premises fail to comply with the order of possession, it may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: August 22, 2023

Residential Tenancy Branch