



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1070037 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, RR, OLC
OPR-DR, MNR-DR, FFL

Introduction

This hearing was convened by way of conference call concerning applications made by the tenant and by the landlord. The tenant has applied for an order cancelling a notice to end the tenancy for unpaid rent or utilities; an order reducing rent for repairs, services or facilities agreed upon but not provided; and for an order that the landlord comply with the *Residential Tenancy Act*, regulation or tenancy agreement. The landlord applied by way of the Direct Request process for an order of possession and a monetary order for unpaid rent and to recover the filing fee from the tenant for the cost of the application, which was referred to this participatory hearing, joined to be heard with the tenant's application.

The tenant and an agent for the landlord attended the hearing, during which the parties agreed to settle this dispute in the following terms:

1. The landlord will have an order of possession effective at 1:00 p.m. on November 30, 2023 and the tenancy will end at that time;
2. the landlord will keep the \$900.00 security deposit in partial satisfaction of the claim for unpaid rent;
3. the landlord will have a monetary order for the balance of rent owing totaling \$7,400.00.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

Therefore, I grant an order of possession in favour of the landlord effective at 1:00 p.m. on November 30, 2023. The tenant must be served with the order of possession which may be filed in the Supreme Court of British Columbia for enforcement.

I further order the landlord to keep the \$900.00 security deposit in partial satisfaction of the unpaid rent, and I grant a monetary order in favour of the landlord for the difference, totaling \$7,400.00. The tenant must be served with the order, which may be filed in the Provincial Court of British Columbia, Small Claims division and enforced as an order of that Court.

Since the parties have settled this dispute, I decline to order that the landlord recover the filing fee from the tenant.

Since the tenancy is ending, I decline to order that the landlord comply with the *Act*, regulation or tenancy agreement.

The hearing did not deal with the tenant's application for an order reducing rent for repairs, services or facilities agreed upon but not provided. I dismiss that portion of the tenant's application with leave to reapply.

Conclusion

For the reasons set out above, and by consent, I hereby grant an order of possession in favour of the landlord effective at 1:00 p.m. on November 30, 2023 and the tenancy will end at that time.

I further order the landlord to keep the \$900.00 security deposit and I grant a monetary order in favour of the landlord as against the tenant pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$7,400.00.

This order is final and binding and may be enforced.

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: November 09, 2023

Residential Tenancy Branch