



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR-DR, MNR-DR, FFL
CNR, MNRT, MNDCT, RP, PSF, OLC, FFT
OPR-DR, MNR-DR, FFL

Introduction

This hearing dealt with the adjourned cross Applications for Dispute Resolution filed by the parties under the Residential Tenancy Act (the “Act”). The matter was set for a conference call.

The Landlord’s first Application for Dispute Resolution was made on August 23, 2023. The Landlord applied to enforce a 10-Day Notice for Unpaid Rent (the 10-Day Notice) dated August 2, 2023, for a monetary order for unpaid rent and utilities and to recover the filing fee paid for their application.

The Tenants’ Application for Dispute Resolution was made on August 30, 2023. The Tenants applied to cancel a 10-Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10-Day Notice”) issued on August 26, 2023, for an order for the Landlord to pay for the cost of emergency repairs that the Tenants made to the rental unit, for an Order for the Landlord to make regular repairs to the rental unit, and for a Monetary Order for compensation, for an order that the Landlord provide services or facilities required by the tenancy agreement or law, for an order that the landlord comply with the Act, regulation and/or the tenancy agreement, and the return of their filing fee. The

Landlord’s second Application for Dispute Resolution was made on September 1, 2023. The Landlord applied to enforce a 10-Day Notice for Unpaid Rent (the 10-Day Notice) dated August 26, 2023, for a monetary order for unpaid rent and utilities and to recover the filing fee paid for their application.

An Agent for the Landlord, their legal counsel (the Landlord) and one of the Tenant attended the hearing and were each affirmed to be truthful in their testimony. The Tenant and the Landlord were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

This Hearing Decision should be read in conjunction with the Interim Hearing decision dated October 30, 2023.

Issues to be Decided

- Should the 10-Day Notice dated August 2, 2023, 2022, be cancelled?
- If not, is the Landlord entitled to an order of possession and a monetary order for unpaid rent?
- Should the 10-Day Notice dated August 26, 2023, 2022, be cancelled?
- If not, is the Landlord entitled to an order of possession and a monetary order for unpaid rent?
- Is the Landlord entitled to a monetary order for outstanding rent?
- Are the Tenants entitled to the return for their filing fee for this application?
- Is the Landlord entitled to the return of both their filing fees for their two applications?

Background and Evidence

During the hearing, both parties expressed a desire to enter into a mutual agreement to end the tenancy. Section 63 of the *Act* allows for the parties to consider a settlement to their dispute during the hearing, and that any settlement agreement reached during the hearing may be recorded in the form of a decision and an order. In accordance with this, an opportunity for a settlement discussion was presented, and the parties came to an agreement on a settlement that would resolve their dispute.

During the hearing, the parties agreed to the following settlement:

1. The Tenants will move out of the rental unit no later than 1:00 p.m. on December 8, 2023.

2. The Tenants agree that they owe the Landlord \$16,750.00 in outstanding rent for the months of August 2023, October 2023, November 2023, and December 2023.
3. The Tenants agree that the Landlord is entitled to the recovery of one of their filing fees, in the amount of \$100.00.
4. The Tenants agree that the Landlord would be given an order of possession and a monetary order for the outstanding rent, and a filing fee, less the \$1,800.00 security deposit for this tenancy.

The above terms of the settlement agreement were reviewed with all parties at the end of the hearing and all parties confirmed that they were entering into the settlement agreement on a voluntary basis. They also confirmed understanding of the terms of the settlement agreement as full and final settlement of this matter.

Analysis

In order to enforce the conditions of the settlement agreement reached between the Landlord and Tenant, I grant a **Conditional Order of Possession** to the Landlord with an effective date of **December 8, 2023**; this order is only to be served on the Tenants if the Tenants does not move-out in accordance with this agreement.

Additionally, I grant a **Monetary Order** for **\$15,050.00** to the Landlord. This Monetary Order must be served upon the Tenants and 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.

Conclusion

The parties are ordered to comply with the terms of the settlement agreement as outlined in this decision.

I grant a conditional **Order of Possession** to the Landlord to be served on the condition that the Tenants if they do not comply with the first term of the settlement agreement. If this occurs, the Order of Possession must be served upon the Tenants and **will be effective** not later than 1:00 p.m. on **December 8, 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 grant a **Monetary Order** for **\$15,050.00** to the Landlord. This Monetary Ordre must be served upon the Tenants and 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: December 7, 2023

Residential Tenancy Branch