

DECISION

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) under sections 46 and 55 of the Act
- a Monetary Order for compensation for damage or loss under the Act, regulation or tenancy agreement under section 67 of the Act

This hearing dealt with the landlord's cross Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

- an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the 10 Day Notice) under sections 46 and 55 of the Act
- a Monetary Order for unpaid rent under section 67 of the Act
- authorization to recover the filing fee for this application from the tenant under section 72 of the Act

At 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. 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 this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of the Tenant's application and the Landlord's application for the issues in dispute arising out of this tenancy at this time and that they did so of their own free will and without any element of coercion:

- The Tenant will provide a deposit of \$1600.00 to the Landlord on January 2, 2024
- The \$1600.00 deposit will be treated in the same manner as the Tenant's security deposit according to the Act
- The Tenant will pay the Landlord \$160.00 on January 1, 2024

- The Tenant will withdraw their application for dispute resolution
- The Landlord will withdraw their application for dispute resolution
- The Landlord's 10 day Notice is cancelled
- The tenancy will continue in accordance with the Act and the tenancy agreement

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties, and as discussed at the hearing, I grant a Monetary Order in the Landlord's favour in the amount of \$1,760.00.

Should the Tenant fail to pay the Landlord according to the terms of settlement, the Landlord must serve this Order to the Tenant. Should the Tenant fail to comply with the 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 Act.

Dated: December 7, 2023

Residential Tenancy Branch