

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 (10 Day Notice) under sections 46 and 55 of the Act
- authorization to recover the filing fee for this application from the Landlord under section 72 of the Act

This hearing dealt with the Landlord's cross Application for Dispute Resolution under the Act for:

- an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (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 retain all or a portion of the Tenant's security deposit in partial satisfaction of the Monetary Order requested under section 38 of the Act
- authorization to recover the filing fee for this application from the Tenant under section 72 of the Act

Analysis

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 issues in dispute arising out of this tenancy at this time and that they did so of their own free volition and without any element of coercion:

1. The Tenant will pay the Landlord \$24,000.00 for unpaid rent
2. The Landlord will retain the Tenant's \$5000.00 security deposit in partial satisfaction of the monetary award
3. The tenancy will end on January 6, 2024 at 9:00PM
4. The Tenant will remove their possessions from the rental unit before the end of the tenancy

5. Both parties agreed that these particulars comprise the full settlement of all aspects of the Tenant and Landlord's current application for dispute resolution.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the Landlord which is to take effect by January 6, 2024 at 9:00 PM. The Landlord is provided with this order in the above terms and must serve it on the Tenant in accordance with the Act. If the Tenant fails to comply with this Order, this order may be filed and enforced as an order of the Supreme Court of British Columbia.

To give effect to the above settlement reached between the parties, I grant a Monetary Order in the Landlord's favour in the amount of \$19,000.00. The Landlord is provided with these Orders and the Tenant must be served with a copy of these Orders as soon as possible. Should the Tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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: January 2, 2024

Residential Tenancy Branch