

## **DECISION**

### **Introduction**

This hearing dealt with the Landlord's 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 (10 Day Notice) under sections 46 and 55 of the Act
- A Monetary Order for unpaid rent and/or utilities under section 67 of the Act
- A Monetary Order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement under section 67 of the Act
- Authorization to recover the filing fee for this application from the Tenant under section 72 of the Act

This hearing also dealt with the Tenants' 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

### **Preliminary Issue**

- Removed Names from Tenants' Application

Removed the names of the Tenants' children from the Tenants' application, as they are not listed as tenants on the tenancy agreement and are covered under the term "occupants" and "occupant".

### **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 term as a final and binding resolution of the Tenants' and Landlord's applications 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 Tenants and any occupants agree to vacate the rental unit by March 15, 2024.
2. The Tenants agree they owe the Landlord \$4,813.66 in unpaid rent and utilities (the Unpaid Amount)
3. The Landlord is authorized to retain the security and pet damage deposits of \$1,975.00 as partial satisfaction for the Unpaid Amount.
4. The Tenants will pay to the Landlord by March 15, 2024, the remaining \$2,838.66 owed for the Unpaid Amount.
5. The Tenants agree to fix any damage to the rental unit before vacating March 15, 2024.
6. The Tenants will pay any additional utility charges that incur up until the Tenants vacate the rental unit.

Both parties agreed that these particulars comprise the full settlement of all aspects of the parties' current applications for dispute resolution.

## Conclusion

In order to give effect to the settlement reached between the parties, and as discussed at the hearing, I grant an Order of Possession to the Landlord effective **on March 15, 2024, after service of this Order** on the Tenants. Should the Tenants or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

In order 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 \$2,838.66. Should the Tenants fail to comply with this settlement, this Order 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: February 27, 2024

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Residential Tenancy Branch