

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

and 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 under section 67 of the Act
- authorization to recover the filing fee for this application from the Tenant under section 72 of the Act

Tenant (B.K.) attended the hearing for the Tenant.

Landlord OTH B.G. attended the hearing for the Landlord.

At the outset of the hearing the parties indicated their intention to settle their dispute.

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. Both parties agreed there is unpaid rent in the amount of \$3000.00 for February and March of 2024.
2. The Tenant agreed to pay the Landlord the \$3000.00 of unpaid rent, and the April 2024 rent of \$1500.00, a total of \$4500.00, on, or before, April 1, 2024.

3. Both parties agreed that if the Tenant does not pay the \$4500.00, in full, to the Landlord on, or before, April 1, 2024, the Landlord may serve the Tenant with the Order of Possession effective at 1:00 pm on April 2, 2024.
4. Both parties agreed that if the Tenant does not pay the \$3000.00 of unpaid rent on, or before, April 1, 2024, the Landlord may serve the Tenant with the Monetary Order for \$3000.00.
5. Both parties agreed that these particulars comprise the full settlement of all aspects of the Tenant's current application 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 **at 1:00 pm on April 2, 2024, after service of this Order** on the Tenant. Should the Tenant 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 Tenant's favour in the amount of \$3000.00. The Tenant is provided with these Orders and the Landlord must be served with a copy of these Orders as soon as possible. Should the Landlord 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: March 25, 2024

Residential Tenancy Branch