

DECISION

Introduction

This hearing dealt with Cross applications including:

The Tenant's February 2, 2024, Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

- cancellation of the Landlord's One Month Notice to End Tenancy for Cause (One Month Notice) under section 47 of the Act
- authorization to recover the filing fee for this application from the Landlord under section 72 of the Act

The Landlord's February 6, 2024, Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

- an Order of Possession based on a One Month Notice to End Tenancy for Cause (One Month Notice) under sections 47 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

The hearing was attended by the Tenant and the Licensed Property Manager as an agent for the Landlord. The parties agreed to settle their dispute.

Analysis

The Arbitrator may assist the parties to settle their dispute under section 63 of the Act.

Settlements may be recorded in the form of a decision or an order.

The parties to this dispute agreed to the following terms as the final and binding resolution of their respective disputes. This agreement was reached of the parties' own free volition and without any element of coercion:

1. The parties agree that this tenancy will end no later than 1:00 p.m. on July 31, 2024, so long as the Tenant pays the amounts to the Landlord, set out below:
 - a) \$11,301.00 in outstanding rent for February, March, April 2024, is paid on or before, end of day Friday April 19, 2024.
 - b) \$3,798.00 for rent for May 2024, is paid on or before May 1, 2024.
 - c) \$3,798.00 for rent for June 2024, is paid on or before June 1, 2024.
 - d) \$3,798.00 for rent for July 2024, is paid on or before July 1, 2024.
2. The Tenant agrees to vacate the rental unit if they fail to make any of the required payments above, and that:
 - a) The tenancy will end April 30, 2024, and the Landlord will be entitled to an Order of Possession for April 30, 2024, after service on the Tenant if \$11,301.00 is not received, on or before end of day Friday April 19, 2024.
 - b) The tenancy will end immediately, and the Landlord is entitled to an Order of Possession two-days after service on the Tenant if \$3,798.00 is not paid on or before May 1, 2024 / June 1, 2024 / July 1, 2024.
 - c) The tenancy will end July 31, 2024, and the Landlord is entitled to an Order of Possession effective that day, after service on the Tenant, so long as the Tenant makes all payments as required by this agreement.
3. The parties agreed that these particulars comprise the full settlement of all aspects of their respective application for dispute resolution.

Conclusion

If the Tenant abides by all requirements of clause 1 above, this tenancy is to end on July 31, 2024.

Should the Tenants fail to comply with 1(a) as noted above, the Order of Possession may be filed and enforced as an Order of the Supreme Court of British Columbia, effective April 30, 2024, after service of the order on the Tenant.

Should the Tenants fail to comply with 1(b)(c)(d) as noted above, the Order of Possession may be filed and enforced as an Order of the Supreme Court of British Columbia, effective April 30, 2024, after service of the order on the Tenant.

The Landlord is provided with a monetary order in the amount of \$11,301.00 in case the Tenant fails to pay the amount as required, on or before April 19, 2024.

The Landlord is provided with this Order and the Tenant must be served with a copy of the Order, as soon as possible. Should the Tenant fail to comply with the Order, it 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: April 18, 2024

Residential Tenancy Branch