

## **DECISION**

### **Introduction**

This hearing dealt with the Tenant's and Landlord's Applications under the *Residential Tenancy Act* (the "Act").

The Tenant applied for:

- cancellation of the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent (10 Day Notice) and an extension of the time limit to dispute the 10 Day Notice
- authorization to recover the filing fee for this application from the Landlord

The Landlord applied for:

- an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice)
- a Monetary Order for unpaid rent
- authorization to retain all or a portion of the Tenant's security deposit in partial satisfaction of the Monetary Order requested

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. Both parties voluntarily agreed to the following terms of a final and binding settlement:

1. This tenancy ended on April 7, 2024.
2. The Landlord will retain the full balance of the Tenant's security deposit, plus interest, in partial satisfaction of the unpaid rent owed by the Tenant.
3. The Tenant will pay the Landlord \$1600.00 for the remaining balance of unpaid rent, in two installment payments of \$800.00, on May 15, 2024, and June 15, 2024.
4. If the Tenant does not make their first payment of \$800.00 to the Landlord by May 15, 2024, the Landlord may apply to enforce the Monetary Order.
5. If the Tenant not make their second payment of \$800.00 to the Landlord by June 15, 2024, the Landlord may apply to enforce the Monetary Order for the remaining balance unpaid after June 15, 2024.
6. Both parties agreed that these terms are the full settlement of all aspects of the Tenant's current application for dispute resolution.

## Conclusion

In order to give effect to the above settlement reached between the parties, I grant the following orders.

I Order the Landlord to retain the Tenant's security deposit plus interest, for a total of **\$1925.74**, in partial satisfaction of the unpaid rent.

I grant the Landlord a Monetary Order of \$1600.00 for unpaid rent under section 55(1.1) of the Act. The Landlord must serve this Order to the Tenant as soon as possible.

I Order the Tenant to make their first payment of \$800.00 to the Landlord by no later than May 15, 2024.

I Order the Tenant to make their second payment of \$800.00 to the Landlord by no later than June 15, 2024.

If the Tenant does not comply with the above, this Order may be filed and enforced in the Small Claims Division of the Provincial Court of British Columbia.

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: April 26, 2024

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Residential Tenancy Branch