



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Introduction

This hearing dealt with the Tenant's and Landlord's Applications for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

The Tenant applied 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

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) 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

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

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 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 agreed to pay the Landlord \$7,200.00 today, July 25, 2024, in cash towards the outstanding rental arrears in the amount of \$10,100.00 owing for past unpaid rent up to and including July 2024.
2. The Tenant will make additional payments, which include his current rent for each month until all rental arrears are caught up as follows:
 - August 1, 2024, \$1,000.00
 - August 15, 2024, \$2,000.00
 - September 1, 2024, \$2,000.00
 - September 15, 2024, \$2,000.00
 - October 1, 2024, \$2,000.00
 - October 15, 2024, \$2,000.00
 - November 1, 2024, \$3,500.00 (includes rent & balance of \$600.00 owing)
3. In addition to the rental arrears, the Tenant agreed to pay the Landlord an additional \$100.00 per month for the period July to November 2024 inclusive as late payment fees.
4. The Landlord agreed to provide the Tenant receipts for any payments made in cash.
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 **seven (7) days after service of this Order** on the Tenant. **This Order may only be served if the Tenant fails to honour the terms of this agreement.** 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 further effect to the above settlement reached between the parties, I grant a Monetary Order in the Landlord's favour in the amount of \$10,100.00. The Landlord is provided with this Order and the Landlord **may only serve this Order if the Tenant fails to honour the terms of this agreement.** Should the Tenant fail to comply with this Order, this Order 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: July 25, 2024

Residential Tenancy Branch