

## **DECISION**

### **Introduction**

This hearing dealt with the Landlord's Application 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)
- a Monetary Order for unpaid rent under
- a Monetary Order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement
- authorization to retain all or a portion of the Tenant's security deposit in partial satisfaction of the Monetary Order requested
- authorization to recover the filing fee for this application from the Tenant

At the start of the hearing the parties were offered an opportunity to settle their dispute and reached an agreement on all issues.

### **Analysis**

Under section 64.2 of the Act, the Arbitrator may record the terms of a settlement reached during the hearing.

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

1. This tenancy will end on **July 31, 2024**. The Tenant, and anyone else occupying the rental unit, will move out by July 31, 2024.
2. The Landlord is entitled to a monetary order of **\$2608.88** for unpaid rent and unpaid utilities due June 1, 2024, and July 1, 2024.
3. The Landlord will retain the Tenant's security deposit, plus interest, of **\$621.30**, in partial satisfaction of the monetary order.
4. The Tenant will pay the remaining balance of the monetary order, the total of **\$1987.58**, as follows:
  - a. The Tenant will pay a minimum of **\$300.00** to the Landlord on or before the last day of each month, commencing August 2024, until the balance of the monetary order is paid.
  - b. If the Tenant fails to make a monthly payment, the Landlord may enforce the balance of the monetary order remaining at that time in the small claims court of British Columbia.

5. Both parties agree to service of documents by email, to the email addresses for service provided on the cover page of this decision.
6. Both parties agreed that these terms are the full settlement of all aspects of the Landlord'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 the following Orders.

I grant an Order of Possession to the Landlord effective **on July 31, 2024, after service of this Order** on the Tenant. Should the Tenant or anyone else occupying the rental unit fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I Order the Landlord to retain the Tenant's security deposit, plus interest, of **\$621.30**, under sections 64.2 and 72 of the Act.

I grant the Landlord a Monetary Order of **\$1987.58** under section 64.2 of the Act. The Landlord must serve this Order to the Tenant by email as soon as possible.

I Order the Tenant to make a payment of at least **\$300.00**, on or before the last day of each month, commencing August 2024, until the balance of this Order is paid.

If the Tenant fails to make a monthly payment, 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: July 30, 2024

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Residential Tenancy Branch