



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, LRE, OLC, FFT / OPR-DR, MNR-DR, FFL

Introduction

The hearing was convened following applications for dispute resolution (Applications) from both parties under the *Residential Tenancy Act* (the Act), which were crossed to be heard simultaneously.

The Tenant requests the following:

- An order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice) under section 46(4)(b) of the Act;
- An order to suspend or set conditions on the Landlord's right of entry to the rental unit under section 70 of the Act;
- An order for the Landlord to comply with the Act, the *Residential Tenancy Regulation*, or tenancy agreement under section 62 of the Act; and
- To recover the cost of the filing fee for their Application under section 72 of the Act.

The Landlords request the following:

- An Order of Possession after issuing the Notice under section 55(2)(b) of the Act;
- A Monetary Order for unpaid rent under sections 26 and 67 of the Act; and
- To recover the filing fee for their Application under section 72 of the Act.

Settlement

Per section 63 of the Act, an arbitrator may assist the parties to settle their dispute. Section 64.2 of the Act states that 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 the hearing the parties were able to reach a compromise and achieved a resolution of this dispute on mutually agreed terms. Both parties agreed to the following final and binding settlement of all issues listed in the Applications:

- The Tenant will provide the Landlords with vacant possession of the rental unit by 1:00 PM on August 31, 2024.
- The Tenant will pay to the Landlords the sum of \$3,378.00 in full satisfaction of unpaid rent due July 1, 2024 and August 1, 2024, and any outstanding utilities.
- The Tenant will not communicate directly with the Landlords and will communicate with the Landlords' Agent instead. The Tenant and the Landlords' Agent agree to communicate and serve one another using the email addresses listed on the front page of this Decision.
- Both parties agreed that this settlement agreement constituted a final and binding resolution both Applications.

To give effect to the settlement reached between the parties and, as discussed with them during the hearing, per section 64.2 of the Act, I issue an Order of Possession to the Landlords which is to take effect by 1:00 PM on August 31, 2024 and a Monetary Order for \$3,378.00.

Parties are reminded that a record sent via email is deemed received three days after it is sent.

As the parties have reached a settlement, I make no factual findings about the merits of this Applications.

As I am not deciding on the matter before me, I dismiss without leave to reapply both parties' request to recover the filing fees for the Applications.

Conclusion

The parties agreed to settlement on final and binding terms.

The Landlords are issued an Order of Possession effective 1:00 PM on August 31, 2024. A copy of the Order of Possession is attached to this Decision and must be served on the Tenant as soon as possible. If the Tenant does not comply with the Order

of Possession, it may be filed by the Landlords with the Supreme Court of British Columbia and enforced as an order of that court.

The Landlords are issued a Monetary Order for \$3,378.00. A copy of the Monetary Order is attached to this Decision and must be served on the Tenant as soon as possible. It is the Landlords' obligation to serve the Monetary Order on the Tenant. The Monetary Order is enforceable in the Provincial Court of British Columbia (Small Claims 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: August 16, 2024

Residential Tenancy Branch