



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes Tenant: **CNR, CNOP, CNMN, LRE**
Landlord: **OPR-DR, MNR-DR, LRSD, FFL**

Introduction

This hearing dealt with the Tenant's Application under the *Residential Tenancy Act* (Act) for:

1. 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; and,
2. An Order to suspend or set conditions on the landlord's right to enter the rental unit under section 70 of the Act.

This hearing also dealt with the Landlord's cross Application under the Act for:

1. An Order of Possession for the 10 Day Notice under sections 46, 55 and 62 of the Act;
2. A Monetary Order to recover money for unpaid rent under sections 26, 46 and 67 of the Act; and,
3. Recovery of the application filing fee under section 72 of the Act.

Tenant A.N. attended the hearing for the Tenant.

Landlord S.D. attended the hearing for the Landlord.

Settlement

Under section 63 of the Act, the Arbitrator may assist the parties to settle their dispute and 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.

The parties reached a mutual agreement on this matter. The parties were advised there is no obligation to resolve the dispute through settlement, but that I could assist the parties to reach an agreement, which would be documented in my Decision.

The parties agreed to settle this matter as follows:

1. The tenancy will end by way of mutual agreement at 1:00 PM on November 9, 2024;
2. The Landlord will be granted an Order of Possession for the above tenancy end date;
3. The parties agree that the Tenant owes the Landlord \$2,655.00 for unpaid rent for the months of September, October, and November 2024;
4. The parties agree that the Landlord can retain the Tenant's \$675.00 security deposit to be used towards the unpaid rent;
5. To implement the settlement reached between the parties, and as discussed with them in the hearing, I issue a Monetary Order in the amount of \$1,980.00 in the Landlord's favour;
6. The parties are ordered to comply with all these settlement terms; and,
7. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

The parties' rights and obligations under the Act and the tenancy agreement continue until the tenancy ends in accordance with this agreement. Both parties testified at the hearing that they confirm the accuracy of the final terms above, and that they understood and agreed to these terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

For the benefit of the parties, they may wish to discuss with an Information Officer at the Residential Tenancy Branch any remaining claims. An Information Officer can be reached at:

5021 Kingsway

Burnaby, BC

Phone: 604-660-1020 (Lower Mainland)

250-387-1602 (Victoria)

1-800-665-8779

Website: www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies

Conclusion

Given the mutual agreement reached during the hearing, I find that the parties have settled their dispute as recorded above.

To give effect to this agreement:

- I grant the Landlord an Order of Possession effective at 1:00 PM on November 9, 2024. The Landlord must serve this Order on the Tenant as soon as possible. The Order may be filed in and enforced as an Order of the Supreme Court of British Columbia; and,
- I grant the Landlord a Monetary Order in the amount of \$1,980.00, and the Tenant must be served with this Order as soon as possible. Should the Tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court of British Columbia 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 Act.

Dated: November 05, 2024

Residential Tenancy Branch