

DECISION

Introduction

This hearing dealt with the Tenant's Applications for Dispute Resolution (Applications) under the *Residential Tenancy Act* (the Act) 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;
- an order to allow the Tenant to reduce rent for repairs, services or facilities agreed upon but not provided, under sections 27 and 65 of the Act; and
- an order requiring the Landlord to comply with the Act, regulation, or tenancy agreement under section 62 of the Act.

Tenant C.P. attended the hearing for the Tenant. Agent K.L. attended the hearing for the Landlord. During the hearing, the parties were able to settle their dispute.

Analysis

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.

The parties agreed to the following terms of a final and binding resolution of the Tenants' application and they did so of their own free volition and without any element of coercion:

1. The parties agreed that the tenancy will end on December 15, 2024, at 1:00 P.M., by way of mutual agreement.
2. The parties agreed that the Tenant will have vacated the rental unit by the above noted date and time, and that the Landlord will receive an Order of Possession for 1:00 P.M. on December 15, 2024.
3. The parties agreed that the Tenant owes \$3,770.88 in rent, late fees, and utility surcharges up to and including December 15, 2024. This includes the late fees waived for September, October, November, and December of 2024.
4. The parties agreed that the Landlord could retain the \$782.75 in deposits and interest currently held in trust towards this amount, and that the Landlord would therefore receive a Monetary Order in the amount of \$2,988.13.
5. The parties agreed that these particulars comprise the full settlement of all aspects of the Tenant's current Application.

Conclusion

I Order the parties to comply with the terms of their settlement agreement as set out above. Failure to do so may result in a referral to the compliance and enforcement unit (CEU) and administrative penalties of up to \$5,000.00 per day, per contravention.

To give affect to the above settlement reached between the parties, and as discussed at the hearing:

I grant an Order of Possession to the Landlord **effective at 1:00 PM on December 15, 2024, after service of this Order on the Tenant**. The Landlord is provided with this Order in the above terms and the Tenant must be served with **this Order** by the Landlord as soon as possible. Should the Tenant or anyone on the premises fail to comply with this Order, it may be filed and enforced as an Order of the Supreme Court of British Columbia.

I grant a Monetary Order to the Landlord in the amount of \$2,988.13. The Landlord is provided with this Order and the Tenant must be served with a copy of this Order by the Landlord as soon as possible. Should the Tenant fail to comply with this Order, it may be filed and enforced in the Provincial Court of British Columbia (Small Claims Court) if equal to or less than \$35,000.00. Monetary Orders that are more than \$35,000.00 must be filed and enforced in the Supreme Court of British Columbia.

Pursuant to section 57(2) of the Act, a landlord must not take actual possession of a rental unit that is occupied by an overholding tenant unless the landlord has a writ of possession issued under the Supreme Court Civil Rules.

Pursuant to section 57(3) of the Act, a landlord may claim compensation from an overholding tenant for any period that the overholding tenant occupies the rental unit after the tenancy is ended, or for any loss suffered by a new tenant if their occupancy of the rental unit is prevented or delayed due to the overholding.

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 15, 2024

Residential Tenancy Branch