



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Introduction

This hearing was convened under the *Residential Tenancy Act* (The **Act**) in response to cross applications from the parties.

The Landlord filed their application on December 17, 2024. The Landlord is seeking:

- An order of possession pursuant to section 46 of the *Act*, based on the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent, dated August 30, 2024 (the **10 Day Notice**).
- An order of Possession pursuant to section 47 of the *Act*, based on the Landlord's One Month Notice to End Tenancy for Cause, dated August 30, 2024 (the **One Month Notice**).
- A monetary order in the amount of \$12,573.00, for the Tenants' failure to pay full rent.
- Authorization to retain the Tenants' security deposit in partial satisfaction of the above unpaid rent claim.
- Their \$100.00 filing fee.

The Tenants filed their application on November 2, 2024, wherein they seek cancellation of the Landlord's 10 Day Notice and the Landlord's One Month Notice.

At the outset of the hearing, the parties advised me that they substantially settled their disputes prior to the start of the hearing and indicated their intention to fully settle their disputes at this hearing.

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 disputes.

Both parties agreed to the following terms of a final and binding resolution of both parties' applications 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. This tenancy will end by 3:00 PM on February 1, 2025, by which time the Tenants will provide vacant possession of the Rental Unit to the Landlord.
2. The Arbitrator will provide an Order of Possession to the Landlord effective by 3:00 PM on February 1, 2025.
3. The Landlord will waive their right to pursue the Tenants for all delinquent rent owing to the Landlord.
4. The Landlord will waive their claim for the return of their filing fee from the Tenants.
5. Both parties agreed that these particulars comprise the full settlement of all aspects of the parties' current applications for dispute resolution.

Conclusion

At the outset of the hearing, the parties reached an agreement with respect to both parties' applications. I recorded the terms of the parties' binding agreement in this decision.

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 by **3:00 pm on February 1, 2025**, after service of the attached Order to the Tenants. Should the Tenants or any occupant on the premises fail to comply with the Order, the Order may be filed and enforced as an order of the Supreme 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: January 14, 2025

Residential Tenancy Branch