

DECISION

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

- an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice) under sections 46 and 55 of the Act
- a Monetary Order for unpaid rent under section 67 of the Act
- authorization to retain all or a portion of the Tenant's security deposit in partial satisfaction of the Monetary Order requested under section 38 of the Act
- authorization to recover the filing fee for this application from the Tenant under section 72 of the Act

The tenants requested:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;

At the outset of the hearing the parties indicated their intention 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.

Both parties agreed to the following terms of a final and binding resolution of both 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. Both parties agreed that this tenancy will end by 1:00 p.m. on April 30, 2025, by which time the Tenants, and any other occupant will have vacated the rental unit
2. The Tenants agreed that they will provide payment to the landlord in the amount of **\$16,991.33**, which comprises the total amount outstanding for rent, utilities, parking, NSF and late fees as per the ledger dated March 27, 2025 (\$11,797.33), plus the rent and parking fees for April 2025 (\$4,924.00 + \$135x2). The tenants agreed that \$8,500.00 will be paid before midnight on April 23, 2025.

3. The Tenants agreed that the landlord may retain their security deposit, plus applicable interest, totaling **\$2,498.12**, in partial satisfaction of the monetary order above.
4. The Tenants agreed that they would pay the remaining **\$5,993.21 in minimum instalments of \$1,000.00 per month**, beginning on May 1, 2025. The full amount must be paid on or before October 31, 2025.
5. Both parties agreed that these particulars comprise the full settlement of all aspects of both applications for dispute resolution.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, effective 2 days after service of the Order on the tenants. The landlord is provided with this Order in the above terms and the tenants must be served with this Order **only** in the event that the tenants do not abide by condition #1 of the above settlement.

Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

In order to give effect to the above settlement reached between the parties, I grant a Monetary Order in the Landlord's favour in the amount of **\$14,493.21**.

The Landlord is provided with this Order in the above terms and the tenants must be served with a copy of this Order as soon as possible in the event that the tenants do not abide by conditions #2 or 4 of the above agreement. Should the tenants fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court 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: April 23, 2025

Residential Tenancy Branch