

DECISION

Introduction

This hearing was a cross application dealing with applications from both parties.

The Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) was 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

The Landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) was for:

- a Order of Possession for unpaid rent under section 46 of the Act
- a Monetary Order for unpaid rent under section 67 of the Act
- authorization to recover the filing fee for this application from the Tenant under section 72 of the Act

Tenant O.B. attended the hearing. Landlord agent D.M. attended the hearing.

During 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. During this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of the Tenant's application 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 5:00 p.m. on May 25, 2025, by which time the Tenant agreed to have vacated the rental unit.
2. The Landlord is to be provided a Monetary Order in the amount of \$4633.24.
3. The Landlord will contact the Tenant for payment of utility charges once the bill is received from the service provider.

4. The Security Deposit will be discussed following the completion of the end-of-tenancy condition inspection. The parties will adhere to the applicable legislation regarding the Landlord's ability to retain any portion of the deposit to cover amounts claimed or owed.
5. Both parties agreed that these particulars comprise the full settlement of all aspects of the Tenant's current application for dispute resolution.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession to be used by the Landlord **only** if the Tenant fails to vacate the rental unit by 5:00 p.m. on May 25, 2025. The Landlord is provided with this Order in the above terms and the Tenant must be served with this Order in the event that the Tenants do not vacate the premises by 5:00 p.m. on May 25, 2025. Should the Tenant 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 implement the above settlement reached between the parties and as discussed with them at the hearing, I issue a monetary Order in the Landlord's favour in the amount of \$4633.24, which represents unpaid rental arrears. The Landlord is provided with this Order in the above terms 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 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: May 21, 2025

Residential Tenancy Branch