



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlords for an order of possession, and a monetary order for unpaid rent, utilities and damages to the unit.

Preliminary Issue

The landlord attended the hearing. The tenant (PD) attended the hearing. As the tenant (DD) did not attend the hearing, service of the Notice of a Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that each respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified the Application for Dispute Resolution and Notice of Hearing was served on the tenant (DD) in person on February 7, 2013. I find that the tenant (DD) has been duly served in accordance with the Act.

The tenant (PD) testified that the tenant (DD) is aware of today's hearing, however, the tenant (DD) is at work and the area he works does not have cellular reception. The tenant (PD) stated he is acting on behalf of (DD).

SETTLEMENT AGREEMENT

During the hearing the parties agreed to settle these matters, on the following conditions:

- 1) The tenant(PD) agreed that he and the co-tenant (DD) will pay the landlords the sum of \$3,472.11 for unpaid rent and utilities;
- 2) The tenant (PD) agreed each tenant will pay the landlord \$500.00 per month (\$1,000.00);
- 3) The tenant (PD) agreed he will pay his portion by cheques post dated for the first of each month commencing March 1, 2013, cheques will be sent to the landlord;
- 4) The tenant agreed the tenant (DD) will contact the landlord and inform the landlord how his monthly payments will be made;

- 5) The parties agreed any missed payments the full amount becomes due and owing and the landlords are entitled to enforce the monetary order in the Provincial Court (Small Claims);
- 6) The landlords agreed to withdraw their claim for damages;
- 7) The parties agreed this is a **full and final settlement agreement** relating to this tenancy.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

As a result of the above settlement, the landlords are granted a monetary order. The monetary order is enforceable in the Provincial Court should the tenants fail to make the scheduled payments.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: February 28, 2013

Residential Tenancy Branch

