



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing was convened as the result of the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act"), seeking an order of possession for the rental unit due to unpaid rent, a monetary order for unpaid rent, a monetary order for money owed or compensation for damage or loss, and recovery of the filing fee.

The parties appeared and the tenant began the hearing by proposing a settlement of the issues. Thereafter a mediated discussion ensued and the parties agreed to resolve their differences.

Issue(s) to be Decided

Can the parties reach a mutual agreement to resolve this dispute?

Settled Agreement

The landlord and the tenant agreed that they could resolve their differences and reach a mutual settlement under the following terms and conditions:

1. The tenant agrees that they owe the landlord the amount of \$2000 in unpaid rent for September and \$2000 in unpaid rent for October 2013;
2. The tenant agrees to pay the amount of \$4000 in satisfaction of the outstanding unpaid rent by Sunday, October 27, 2013;
3. The tenant understands that the amount of \$2000 is owed for the month of November by the 1st day of the month; however, the landlord agrees that the monthly rent for November may be paid as late as Friday, November 8, 2013, as a one time exception to the requirement that rent is to be paid on the first day of the month;
4. The tenant understands that the landlord is being issued an order of possession for the rental unit, and that if she fails to either make the lump sum payment of \$4000 by October 27, 2013, or the November rent payment

- of \$2000 by November 8, 2013, the landlord may serve upon the tenants the order of possession for the rental unit and obtain vacant possession of the rental unit;
5. The landlord agrees that the tenancy will continue and not to serve the order of possession for the rental unit on the tenants unless the tenants fail to make the payment of \$4000 by October 27, 2013, or the monthly rent of \$2000 by November 8, 2013;
 6. The tenants understands that the landlord is being issued a monetary order in the amount of \$6000, for unpaid rent for September, October and November 2013, in the event the tenants fail to make any of the payments as agreed upon above;
 7. The landlord undertaands the monetary order of \$6000 is to be reduced by any amounts paid by the tenants at such time as enforcement of the monetary order becomes necessary; and
 8. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the tenant's application and that no finding is made on the merits of the said application for dispute resolution.

Conclusion

The landlord and the tenant have reached a settled agreement.

Based upon the settled agreement as outlined above, I provide the landlord with a monetary order for \$6000.

The final, legally binding monetary order in the amount of \$6000, is enclosed with the landlord's Decision.

Based upon the settled agreement as outlined above, I provide the landlord with an order of possession for the rental unit in the event the tenant fails to make the rent payments as agreed upon.

The order of possession is enclosed with the landlord's Decision. This order is a legally binding, final order, and may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court should it become necessary.

I have not awarded the landlord recovery of the filing fee as this matter has been settled between the parties.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the

terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

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* and is being mailed to both the applicant and the respondents.

Dated: October 25, 2013

Residential Tenancy Branch

