



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, OPR, FF

This hearing was convened in relation to the landlord's application for an order of possession for unpaid rent, a monetary order for unpaid rent and recovery of his filing fee from the tenant.

The tenant PD (the tenant) appeared for the tenants at the hearing. The landlord also appeared at this hearing.

The landlord testified that he personally served the tenant with the dispute resolution package on 6 November 2014. The tenant acknowledged that he had received the dispute resolution package from the landlord. On the basis of this evidence, I am satisfied that the tenant was served with notice of this application pursuant to section 89 of the *Residential Tenancy Act* (the Act).

The landlord testified that he personally served the tenants with the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) at some point in October. The tenant confirmed that he had received the 10 Day Notice. On the basis of this evidence, I am satisfied that the tenants were served with the 10 Day Notice pursuant to section 88 of the Act.

In the course of the hearing the landlord expressed that he just wanted his unpaid rent and that he would be willing to continue the tenancy if efforts were made to pay off the unpaid rent. The landlord and tenants agreed to a series of conditions to settle the matter of fourteen months of unpaid rent from November 2013 to December 2014 inclusive and utility bills paid for by the tenants.

## **Analysis**

Pursuant to section 63 of the Act, an arbitrator may assist the parties to settle their dispute and 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 the

hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

During this hearing, the parties reached an agreement to settle their dispute under the following final and binding terms:

1. The landlord agreed to withdraw his application.
2. The landlord agreed to withdraw the 10 Day Notice.
3. The tenants agreed to pay to the landlord \$21,000.00 on the following terms:
  - a. On or before 15 December 2014, the tenants will pay to the landlord \$10,000.00.
  - b. On or before the first of the month, the tenants will pay at least \$1,000.00 to the landlord in addition to their monthly rent. The first of these payments is to be made on or before 1 January 2015. These payments will total \$11,000.00.

I informed the parties that I would issue a monetary award in the amount of \$21,000.00 and an order of possession to be used only in the event the tenants default on this settlement agreement.

The parties acknowledged that they understood and agreed that these particulars comprise the full and final settlement of all aspects of this dispute for both parties.

### Conclusion

The landlord's application is withdrawn. The landlord's 10 Day Notice is cancelled

The monetary order is to be used if the tenant(s) do not pay \$21,000.00 to the landlord in accordance with their agreement. The landlord is provided with this order in the above terms and the landlord should serve the tenant(s) with this order so that he may enforce it in the event that the tenant(s) do not pay the outstanding rent as set out in their agreement. Should the tenant(s) fail to comply with these orders, these orders may be filed in the Small Claims Division of the Provincial Court and enforced as orders of that Court.

The attached order of possession is to be used by the landlord if the tenant(s) do not make the agreed to payments in accordance with their agreement. The landlord is provided with this order in the above terms and the landlord should serve the tenant(s) with this order so that he may enforce it in the event that the tenant(s) does not comply

with the terms of the agreement. Should the tenant(s) fail to comply with this order, this 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 subsection 9.1(1) of the Act.

Dated: December 04, 2014

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Residential Tenancy Branch

