



# 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 the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for failure to pay rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to recover the filing fee for this application pursuant to section 72.

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement.

### Terms of Settlement

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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenants and landlord agree **that this tenancy will end no later than 1:00 p.m. on August 15, 2017**, and, the landlord will be granted an **Order of Possession**.
2. The landlord agrees to not enforce the attached **Order of Possession** until after the above date **on condition** that the tenant meets all of the following:
  - i. The tenants pay outstanding July 2017 rent in the amount of \$1500.00 plus outstanding utilities in the amount of \$557.78 on or before July 16, 2017.
  - ii. The tenants agree to pay rent for the period of August 1, 2017 to August 15, 2017 in the amount of \$750.00 on or before August 1, 2017.
  - iii. The tenants agree to pay an amount of \$500.00 on or before August 1, 2017 to cover all forecasted utilities bills up to the end of the tenancy on August 15, 2017. Both the landlord and tenants agreed to this amount despite the landlord not yet receiving the actual utilities bills and a portion of this amount covering future use.

The parties are bound by this agreed upon forecasted amount whether or not the actual utilities bills are less than or greater than this amount.

- iv. If the tenants fail to pay either of the above agreed upon payments, the landlord may enforce the attached order of possession effective **two days after service of the Order** on the tenant.
3. The landlord is granted a Monetary Order for the total amount of \$3307.78 and the enforceable portion of this order will be reduced in accordance with any payments made to the landlord.
4. The tenants further agree that up until the end of the tenancy on August 15, 2017, the tenants are not entitled to possession or access to the basement suite in the house.

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute.

**This Decision and Settlement Agreement is final and binding on both parties.**

#### Conclusion

Subject to the conditions described above, I grant an Order of Possession to the landlord effective **two days after service of the Order** on the tenants. 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.

Pursuant to section 67 of the *Act* and subject to the conditions described above, I grant the landlord a Monetary Order in the amount of **\$3307.78**. 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 *Residential Tenancy Act*.

Dated: July 12, 2017

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Residential Tenancy Branch