



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNRL FFL

### Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act"):

- a Monetary Order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The landlords were primarily represented by their family member KB (the "landlord"). The tenants were represented by the co-tenant LD (the "tenant").

As both parties were present service of documents was confirmed. The tenant confirmed receipt of the landlord's application for dispute resolution and evidence. The tenant confirmed they had not served any evidence. Based on the testimonies I find that the tenants were served with the landlord's application and evidence in accordance with sections 88 and 89 of the *Act*.

### Analysis

Pursuant to section 63 of the *Act*, the 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, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. The parties agree that there is an arrear of rent in the amount of \$16,500.00 for this tenancy.
2. The parties agree that the tenants will pay the landlords the monthly amount of \$400.00 in 2 instalments of \$200.00 on the 15<sup>th</sup> and last day of each month starting on January 15, 2019 until September 30, 2019.
3. The tenants will make a payment of \$12,900.00 to the landlords on October 1, 2019.
4. This settlement agreement constitutes a final and binding resolution of the landlord's application at this hearing.

Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

### Conclusion

I issue a monetary Order in the landlords' favour in the amount of \$16,500.00, to be used **only** in the event that the tenants do not abide by the monetary terms of the settlement agreement outlined above. 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: December 28, 2018

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Residential Tenancy Branch