



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, OPRM-DR, FFL

Introduction

This hearing was reconvened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Parties were each given full opportunity to be heard, to present evidence and to make submissions. The Landlord's Agent confirms that it is a Party to the proceedings. During the hearing the Parties reached a settlement agreement.

Preliminary Matter

The Landlord submits a claim for unpaid utilities however the Landlord confirms that this claim was not included in the application and that the Landlord did not make an amendment to the application to add this claim.

Rule 2.2 of the Residential Tenancy Branch Rules of Procedure provides that claims are limited to what is stated in the application. As no utility claim was included in the application and as the Party did not make an amendment to the application to include this claim I find that this claim may not be considered in these proceedings. The Landlord remains at liberty to make another application for such a claim.

Agreed Facts

There is no written tenancy agreement. The tenancy started on March 1, 2021. Rent of \$850.00 is payable on the first day of each month. No security deposit was collected. The Tenants owe unpaid rent of \$5,950.00 for October 2020 to April 2021, inclusive.

Settlement Agreement

The Parties mutually agree as follows:

- 1. The Tenants will move out of the unit on April 18, 2020; and**
- 2. The Tenants will pay the Landlord \$5,950.00 in unpaid rent and \$100.00 for the filing fee; and**
- 3. These terms comprise the full and final settlement of all aspects of this dispute for both Parties.**

Section 63(2) of the Act provides that if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order. Given the mutual agreement reached during the Hearing, I find that the Parties have settled their dispute as recorded above. To give effect to this agreement I grant the Landlord a monetary order for **\$6,050.00** and an order of possession effective 1:00 p.m. on April 18, 2021.

Conclusion

The Parties have settled the dispute.

I grant an Order of Possession to the Landlord effective 1:00 p.m. April 18, 2021. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the Landlord an order under Section 67 of the Act for **\$6,050.00**. If necessary, this order may be filed in the Small Claims 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 Act.

Dated: April 13, 2021

Residential Tenancy Branch