



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing

A matter regarding Point Grey Manor Apartments  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR-DR, MNR-DR, FFL

### Introduction

This hearing dealt with an application by the Landlord pursuant to the Residential Tenancy Act (the “Act”) for the following orders:

1. an Order of Possession based on unpaid rent pursuant to sections 46 and 55 of the Act;
2. a Monetary Order for unpaid rent, pursuant to section 67; and,
3. authorization to recover the filing fee for this application, pursuant to section 72.

KK appeared at the hearing as Agent for the landlord. NB (the “tenant”) appeared at the hearing.

Both parties were given a full opportunity to be heard, to present their testimony, to make submissions, to call witnesses and to cross-examine one another. The landlord testified that they served the tenants with the Notice of Reconvened Hearing, the interim decision dated January 20, 2023, and their evidence by registered mail. The tenant confirmed receipt of the same. I find that all parties have been served with the required documents in accordance with 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 landlord is entitled to an Order of Possession effective April 30<sup>th</sup>, 2023. The Order of Possession is enforceable upon service on the tenant.
2. The landlord is entitled to a monetary order in the amount of \$9,682.41 for outstanding rent owed for the months of October, November, December 2022 and January, February, and March 2023.
3. The tenant is responsible for paying rent for the remaining months of the tenancy.
4. The landlord will communicate with the tenant, the tenant's lawyer and/or the tenant's paralegal and make best efforts to come to a repayment plan of the outstanding rents prior to April 30, 2023.
5. If a payment plan is settled upon prior to April 30<sup>th</sup>, 2023, to the satisfaction of the landlord, the landlord will not enforce the Order of Possession and the Order of Possession will be of no force or effect.
6. If a payment plan is reached prior to April 30<sup>th</sup>, 2023, the landlord will provide the tenant with documentation in writing that they will not be enforcing the Order of Possession.
7. If the tenant pays the outstanding rent in full prior to April 30<sup>th</sup>, 2023, the landlord will not enforce the Order of Possession and the Order of Possession will be of no force or effect.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. 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

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect by 1:00 P.M. on April 30, 2023. The landlord is provided with this Order in the above terms and the tenants must be served with this Order in the event that neither term 5 nor term 7 of the above settlement is met. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a Monetary Order in the landlord's favour in the amount of \$9,682.41 against the tenants. The landlord is provided with a Monetary Order in the above terms and the tenants must be served with this Order. 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.

As the parties reached a settlement, the landlord must bear the cost of their own filing fee.

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: March 15, 2023

---

Residential Tenancy Branch