



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding Skyline Living
and [tenant name suppressed to protect privacy]

SETTLEMENT DECISION

Dispute Codes **CNR, FFT, OPR, MNRL-S, MNDCL-S, FFL**

Introduction

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties pursuant to the Residential Tenancy Act (the "Act") for Orders as follows:

The tenants applied as follows:

- For cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice") pursuant to section 46 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

The landlord applied as follows:

- For a monetary order for unpaid rent pursuant to section 67 of the Act
- For an order of possession pursuant to section 55 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

Both parties attended the hearing with the landlords being represented by agent SD, and tenant, CM appeared. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The parties confirmed they were not recording the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The tenants confirmed receipt of the 10 Day Notice dated November 21, 2022. Pursuant to section 88 of the Act the tenants are found to have been served with the notice in accordance with the Act

The landlord testified that they served the dispute notice and materials on the tenants by registered mail on January 24, 2023. The landlord provided a Canada Post tracking number in evidence. Based on the landlord's testimony I find the tenants duly served in accordance with sections 88 and 89 of the Act.

Preliminary Issue

The tenants vacated the rental unit in January 2022. Therefore, the tenants' application is dismissed and the landlord's application for an order of possession for the rental unit is also dismissed.

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. 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.

Both parties agreed to the following final and binding settlement of all issues listed in this application for dispute resolution:

1. The tenant will pay the landlord the sum of \$3,979.65.

As the parties have reached a settlement, I make no factual findings about the merits of this application, and I have only addressed the issues brought forward in the application before me. The parties are encouraged to discuss reasonable payment terms.

Conclusion

I order the parties to comply with the terms of the settled agreement described above.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue a monetary order in favour of the landlord in the amount of \$3,979.65. The landlord is provided with the

order in the above terms and must serve the order on the tenants in accordance with the Act. The monetary order may be enforced by the landlord in the Provincial Court of British Columbia.

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: April 4, 2023

Residential Tenancy Branch