



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPR-DR, MNR-DR**

Introduction

This hearing dealt with an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- An Order of Possession under a 10-Day Notice to End Tenancy for Unpaid Rent and Utilities (“10 Day Notice”) pursuant to sections 46 and 55.
- A monetary order for unpaid rent and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* (“*Regulation*”) or tenancy agreement pursuant to section 67 of the *Act*.

Attendance

The landlord attended with an agent and translator (“the landlord”). The tenant attended. Both parties had opportunity to provide affirmed testimony, present evidence and make submissions. I explained the hearing process. Neither party made any adjournment or accommodation requests.

The hearing lasted 55 minutes.

Each party provided their address to which the RTB will send the Decision and Orders.

Service

I find service of documents complied with the Act.

Settlement

I explained the settlement process, and the potential outcomes and consequences, to both parties.

I informed the parties that I could not provide legal advice to them. I would make my Decision after the hearing. I notified them that they could settle their tenancy issues privately or at an RTB hearing.

Both parties had an opportunity to ask questions, which I answered.

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order.

Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute. This settlement agreement was reached in accordance with section 63.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a Decision:

The parties agreed as follows:

- 1) The tenancy between the parties will end two days after service of the Order of Possession upon the tenant at which time the tenant and any other occupants will return vacant possession of the rental unit to the landlord.
- 2) The tenant shall pay **\$39,000.00** to the landlord for outstanding rent owing to April 30, 2023.

- 3) In partial satisfaction of the award, the landlord shall retain the security and pet deposits as follows:

ITEM	AMOUNT
Outstanding rent to April 30, 2022	\$39,000.00
(Less security deposit)	(\$1,925.00)
(Less pet deposit)	(\$1,925.00)
TOTAL MONETARY ORDER AGREED UPON	\$35,150.00

- 4) The parties agreed the tenant owes the landlord utilities in an amount which was not agreed upon during the hearing. The landlord shall provide the tenant with an itemization of the amount owed within 10 days of the date of this Decision to be sent to her at the email address which appears on the first page. The tenant shall pay the amount owing to the landlord within ten days of receipt by bank transfer.
- 5) The parties shall carry out a condition inspection of the unit on the last day of the tenancy.
- 6) The landlord may apply for an additional Monetary Order if required.

To give effect to this settlement agreement, I grant the landlord:

- 1) Order of Possession effective two days following service on the tenant. The landlord may enforce this Order if the tenant fails to move out as specified above.
- 2) Monetary Order in the amount of \$35,150.00.

During the hearing, the parties agreed the landlord may serve the tenant with the Order of Possession and Monetary Order by sending them to the tenant at her email address which appears on the first page. The tenant provided her email address during the hearing.

The landlord may file and enforce the Order of Possession and Monetary Order in the Courts of the Province of BC.

This agreement constitutes settlement of this application.

The parties fully discussed this settlement. Each party stated they understood and agreed with the terms.

Based on the above, I find that all matters between these parties raised in this application are resolved pursuant to the above agreed terms.

Conclusion

I grant the landlord a Monetary Order in the amount of **\$35,150.00**.

I grant the landlord an Order of Possession effective two days after service.

As agreed by the parties, I direct that these Orders be served on the tenant at the email address which appears of the first page, as provided to the landlord by the tenant during the hearing.

The Orders may be filed and enforced in the Courts of the Province of BC.

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 28, 2023

Residential Tenancy Branch