



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

**Dispute Codes:** Tenants: CNR  
Landlords: OPR-DR, MNR-DR, FFL

### **Introduction**

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

The landlords requested:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants, pursuant to section 72 of the *Act*

The tenants requested:

- cancellation of the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;

The tenant MP attended with their legal advocate, CD, while the landlord GL attended with their son as well as their legal counsel, GL.

Both parties were clearly informed of the RTB Rules of Procedure about behaviour including Rule 6.10 about interruptions and inappropriate behaviour, and Rule 6.11 which prohibits the recording of a dispute resolution hearing by the attending parties. Both parties confirmed that they understood.

### **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 disputes.

Both parties agreed to the following final and binding settlement of both applications as set out below:

1. Both parties entered into a mutual agreement that this tenancy will end on August 31, 2023 at 1:00 p.m., by which date the tenant(s) and any other occupants will have vacated the rental unit.
2. The landlords agreed that the April 2023 rent will be waived, which satisfies the landlords' requirement under section 51(1) of the *Act* to compensate the tenants the equivalent of one month's rent.
3. The tenants agreed that they owe the landlord rent for the months of May 2023 to August 2023 in total amount of \$6,200.00. Both parties agreed that the landlords may retain the tenants' security deposit plus applicable interest in partial satisfaction of the monies owed. As per the RTB Online Interest Tool found at <http://www.housing.gov.bc.ca/rtb/WebTools/InterestOnDepositCalculator.html>, over the period of this tenancy, \$9.13 is payable as interest on the tenants' security deposit from May 9, 2022 when the deposit was originally paid, until the date of this decision, August 8, 2023. The tenants agreed to pay the remaining amount of \$5,415.87 on or before November 30, 2023.

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**

In order to implement the above settlement reached between the parties, and as advised to both parties during the hearing, I issue an Order of Possession to the landlord effective August 31, 2023 at 1:00 p.m. The landlords are provided with this Order in the above terms and the tenants must be served with this Order **only** in the event that the tenants do not abide by condition #1 of the above settlement. 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.

In order to implement the above settlement reached between the parties, and as advised to both parties during the hearing, I issue a Monetary Order in the landlords' favour in the amount of \$5,415.87. The landlords are provided with this Order in the above terms and the tenants must be served with a copy of this Order as soon as possible in the event that the tenants do not abide by condition #3 of the above agreement. 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: August 08, 2023

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Residential Tenancy Branch