



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding HOPE STREET MANAGEMENT  
CORP and [tenant name suppressed to protect privacy]

## **RECORD OF SETTLEMENT**

Dispute Codes      OPR-DR, MNR-DR, FFL, CNR-MT, FFT

### Introduction

This hearing dealt with the cross applications pursuant to the *Residential Tenancy Act* (the *Act*)

The landlord applied for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenants applied for:

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 66;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows;

1. Both parties agree that the tenant owes the landlord \$12,191.00 in unpaid rent. Both parties agree that the tenants will pay that amount in full by no later than November 1, 2023.
2. Both parties agree that the tenant must pay the November rent in full by no later than November 15, 2023.



3. Both parties agree that the tenancy will continue as long as the tenants abide by condition #1 and #2 of this agreement. Both parties agree that if the tenant does not abide by either of the conditions of this agreement, the landlord will be at liberty to serve the tenant with an order of possession. Both parties agree that the landlord is entitled to an order of possession as part of this settlement.

Pursuant to this agreement the landlord will be given a monetary order to reflect condition #1 of this agreement. Should it be necessary, this order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Pursuant to this agreement the landlord will be given an order of possession to reflect condition #3 of this agreement. Should it be necessary, this order may be filed in the Supreme Court and enforced as an order of that Court.

The filing fee is a discretionary award usually issued by an Arbitrator after a party is fully successful after a full hearing on the merits of the application. As I was not required to make a decision regarding this application and both parties agreed to voluntarily settle this matter, I decline to award the recovery of the filing fee to either party.

The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

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: October 17, 2023

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Residential Tenancy Branch